

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 69 (Revised), PART IV.

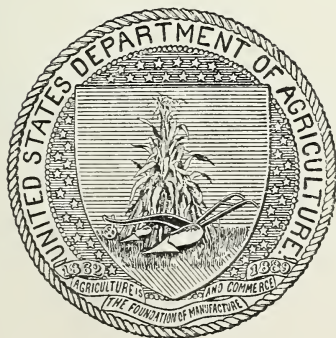
H. W. WILEY, Chief.

FOODS AND FOOD CONTROL.

REVISED TO JULY 1, 1905.

IV. LAWS OF MICHIGAN, MINNESOTA, MISSISSIPPI,
MISSOURI, MONTANA, NEBRASKA, NEVADA,
AND NEW HAMPSHIRE.

By W. D. BIGELOW,
CHIEF, DIVISION OF FOODS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1906.

LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,

Washington, D. C., October 15, 1905.

SIR: I have the honor to transmit herewith for your approval a manuscript containing the food laws of Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, and New Hampshire, this compilation having been revised to July 1, 1905. I recommend its publication as Bulletin No. 69 (Revised), Part IV, of the Bureau of Chemistry.

Respectfully,

H. W. WILEY, *Chief.*

Hon. JAMES WILSON,
Secretary of Agriculture.

CONTENTS.

	Page.
Michigan	273
General food laws	273
Alcoholic liquors	279
Buckwheat flour	279
Candy	280
Coffee (see General food laws)	280
Dairy products and foods in general	281
Jellies, canned goods, etc. (see General food laws)	294
Lard (see General food laws)	294
Maple products	294
Meat	294
Pepper	297
Salt	297
Syrup	304
Vinegar	304
Digest and rulings	305
Minnesota	309
General food laws	309
Alcoholic liquors	313
Baking powder	313
Confectionery	314
Dairy products	314
Honey	318
Lard	318
Meats	319
Preserves	319
Spices	320
Syrups, etc	320
Vinegar	321
Directions for sampling and labeling	322
Mississippi	324
General food laws	324
Alcoholic beverages	326
Missouri	327
General food laws	327
Alcoholic beverages	328
Bread	331
Candy	332
Dairy products	332
Flour, grain, etc	337
Vinegar	339
Montana	340
General food laws	340
Candy	340

Montana—Continued.	Page.
Dairy products.....	340
Meat and milk.....	341
Water.....	346
Nebraska.....	347
General food laws.....	347
Alcoholic beverages.....	351
Cider.....	352
Dairy products.....	352
Vinegar.....	356
Water.....	357
Standards.....	357
Nevada.....	358
General food law.....	358
Candy.....	358
Dairy products.....	358
Meat.....	360
Water.....	360
New Hampshire.....	362
General food laws.....	362
Alcoholic liquors.....	364
Candy.....	365
Dairy products.....	365
Maple products and vinegar.....	370
Water and ice.....	371

FOODS AND FOOD CONTROL—IV.

Revised to July 1, 1905.

IV. Laws of Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, and New Hampshire.

MICHIGAN.

The food laws of this State are administered by the State dairy and food commissioner. In response to a letter of inquiry, the following statement was received from Mr. A. C. Bird, the present commissioner:

In reply to your letter of August 14, I would say that after seven months' experience as commissioner of the dairy and food department of this State I am convinced that the Michigan food and dairy laws are very efficient for the purposes intended when properly administered. It has been the policy of the department under my supervision to secure the cooperation of the honest manufacturers and jobbers in the enforcement of the law. The department has been successful in working out this plan of cooperation, and it is my firm belief that the Michigan markets are to-day more thoroughly rid of adulterated food products than ever before.

Along dairy lines the department has been enabled to do work of wider scope than ever before, owing to the new legislation enacted in March of this year. I am sending you under separate cover a copy of a recent compilation of the dairy and food laws of this State, which gives a clear idea of the possibilities of our work along dairy lines. The department now has eight regular inspectors and seven special inspectors constantly at work, and they are covering the State most efficiently. The department holds monthly educational scoring contests to which every creamery, cheese factory, and private producer of butter in the State is invited to contribute. These contests are growing in popularity, and a great number of samples are scored every month. The dairy interests of the State have been greatly benefited.

GENERAL FOOD LAWS.^a

5010. (1) *Adulteration of food for sale.* That no person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any article of food which is adulterated, within the meaning of this act.—*As amended by Act No. 218, P. A. 1897, p. 128.*

5011. (2) *Food defined.* The term food, as used herein, shall include all articles used for food or drink, or intended to be eaten or drank by man, whether simple, mixed or compound.

5012. (3) *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act: First, If any substance or substances have been

^a See also Dairy Products.

mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; Second, If any inferior or cheaper substance or substances have been substituted wholly or in part for it; Third, If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; Fourth, If it is an imitation of, or is sold under the name of another article; Fifth, If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal; Sixth, If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; Seventh, If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That nothing in this act shall prevent the coloring of pure butter: *And provided further*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale bear the name and address of the manufacturer and be distinctly labeled under its own distinctive name, and in a manner so as to plainly and correctly show that it is a mixture or compound, and is not in violation with definition fourth and seventh of this section.—*As amended by Act No. 118, P. A. 1897, p. 128.*

5013. (4) *Lawful butter defined; penalty.* No person, by himself or his agents or servants, shall manufacture for sale or offer or expose for sale, or sell, as butter, and the legitimate product of the dairy or creamery, any article not made exclusively of milk or cream, but into which the oil or fat of animals or any other oils not produced from milk, enters as a component part, has been introduced to take the place of cream. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars and the costs of prosecution, or by imprisonment in the county jail or the State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court, for each and every offense.

5014. (5) *Lawful cheese defined; penalty.* No person shall manufacture, deal in, sell, offer or expose for sale or exchange any article or substance in the semblance of or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal or offal fats or oils, or melted butter in any condition or state, or modification of the same, or oleaginous substances of any kind not produced from unadulterated milk or cream shall have been introduced. Whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars and the costs of prosecution, or by imprisonment in the county jail or the State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court, for each and every offense.

5015. (6) *"Full milk cheese" to be branded as such; registration; penalty.* Every manufacturer of full milk cheese may put a brand upon each cheese, indicating "Full milk cheese," and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. It shall be the duty of the proprietor of every cheese factory, creamery or butter factory in the State, where milk or cream is purchased of or contributed by three or more persons, to register the location of such cheese factory, creamery or butter factory, and the name of its owner or manager, with the Dairy and Food Commissioner, on or before the first day of October, A. D. eighteen hundred and ninety-seven, and on or before the first day of April in each year thereafter. Whoever violates any of the provisions of this section, in so far as it relates to registration, shall be deemed guilty of a misdemeanor, and for each and every offense shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, and the costs of prosecution, or

by imprisonment in the county jail for not more than thirty days, or both.—*As amended by Act No. 118, P. A. 1897, p. 129.*

5016. (7) *Commissioner to issue brands for cheese.* The Dairy and Food Commissioner shall procure and issue to the cheese manufacturers of the State, on proper application, which application shall be made on or before the first day of October, A. D. eighteen hundred and ninety-five, and on or before the first day of April in each year thereafter, and under such regulation as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto, and the words, "Michigan full cream cheese." Every such brand shall be used on the outside of the cheese, and upon the package containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of persons at each factory authorized to use the same. No such brand shall be used on other than full cream cheese or packages containing the same. The commissioner shall receive a fee of one dollar for each registration, said fee to be paid by the party applying for the same, which amount shall be accounted for and used as a part of the fund appropriated for the enforcement of the laws of this State, with which the Dairy and Food Commissioner is charged.

5017. (8) *False brands.* No person shall knowingly offer, sell or expose for sale, in any package, cheese which is falsely branded or labeled.

5018. (9) *Lawful lard defined.* No person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as lard any substance not the legitimate and exclusive product of the fat of the hog.

5019. (10) *Sale of lard imitations regulated; labels.* Every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale, or sells, any substance made in the semblance of lard, or as an imitation of lard, and which consists of any mixture or compound of animal or vegetable oils, or fats other than hog fat, in the form of lard, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled "Lard substitute or compound," and every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale, or sells, any substance made in the semblance of lard or as an imitation of lard, or as a substitute for lard, and which is designed to take the place of lard, and which consists of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled either "Adulterated lard," "Lard compound," or "Lard substitute." Such brands or labels shall be in letters not less than one inch in length and shall be followed with the name of the maker and factory, and the location of such factory.

5020. (11) *Packages containing lard substitute to be labeled.* Every dealer or trader who, by himself or agent, or as the servant or agent of another person, offers or exposes for sale, or sells, any form of lard substitute or adulterated lard, as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein the same is contained, offered for sale or sold, a label, upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length, the words, "Lard substitute" or "Adulterated lard" or "Lard compound," or other appropriate words, which shall correctly express its nature and use.

5021. (12) *Possession of unlabeled lard substitutes.* The having in possession of any lard substitute or adulterated lard or lard compound, as hereinbefore defined, which is not branded or labeled as hereinbefore required and directed, upon the part of any dealer or trader, or any person engaged in the public sale of such articles, shall for the purpose of this act be deemed prima facie evidence of intent to sell the same.

5022. (13) *Lawful jelly defined; labels; penalty.* No person, firm or corporation in this State shall manufacture for sale, or sell, or offer or expose for sale, as fruit

jelly or fruit butter, any jelly or imitation fruit butter, or other similar compound made or composed in whole or in part of glucose, dextrine, starch or other substances, and colored in imitation of fruit jelly or fruit butter; nor shall any such jelly, fruit butter or compound be manufactured or sold, or offered for sale, under any name or designation whatever, unless the same shall be composed entirely of ingredients not injurious to health and shall not be colored in imitation of fruit jelly, and every can, pail or package of such jelly or butter sold in this State shall be distinctly and durably labeled "imitation fruit jelly or butter," with the name of the manufacturer and the place where made. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and when convicted thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court.

5023. (14) *Canned goods to be labeled.* No packer or dealer in preserved or canned fruits and vegetables, or other articles of food shall sell or offer for sale such canned articles, unless such articles shall be entirely free from substances or ingredients deleterious to health, and unless such articles bear a mark, stamp, brand or label bearing the name and address of the firm, person or corporation that packs the same. All "soaked or bleached goods," or goods put up from products dried before canning, shall be plainly marked, branded, stamped or labeled as such, with the words "Soaked or bleached goods," in letters not less than two-line pica in size, showing the name of the article and the name and address of the packer.

5024. (15) *Coffee compounds and mixtures to be labeled as such; molasses and syrups.* No person shall manufacture or sell, or offer for sale, any manufactured or artificial coffee berry in imitation of the genuine berry. No person shall manufacture, sell, or offer or expose for sale, any ground or prepared coffee, which is adulterated with chicory or other substance not injurious to health, unless each package thereof shall be distinctly labeled or marked "Coffee compound," together with the name and address of the manufacturer or compounder thereof, and has no other label of whatever name or designation. No person shall offer or expose for sale, or have in his possession with intent to sell, or sell, any molasses, syrup or glucose, unless the barrel, cask, keg, can or pail containing the same shall be distinctly branded or labeled with the true and appropriate name; nor shall any person offer or expose for sale, have in his possession with intent to sell, or sell any molasses or syrup mixed with glucose, unless the barrel, cask, keg or pail containing the same be distinctly branded or labeled "Glucose mixture," and the per cent in which glucose enters into its composition. Such barrel, cask, keg or pail shall be branded or labeled in a conspicuous place; and such brands or labels shall be in letters of not less than one-half inch in length. Glucose and glucose mixtures shall have no other designation than herein required.—*As amended by Act No. 118, P. A. 1897, p. 129.*

5025. (16) *Impure liquor prohibited.* No person shall within this State manufacture, brew, distil, have or offer for sale or sell any spirituous or fermented or malt liquors, containing any substance or ingredient not normal or healthful, to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage.

5026. (17) *Orders for future delivery deemed a sale.* The taking of orders, or the making of agreements or contracts, by any person, firm or corporation, or by any agent or representative thereof, for the future delivery of any of the articles, products, goods, wares or merchandise embraced within the provisions of this act, shall be deemed a sale within the meaning of this act.

5027. (18) *False branding or labeling.* Whoever shall falsely brand, mark, stencil or label any article or product required by this act to be branded, marked, stenciled or labeled, or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misde-

meanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

5028. (19) *Penalties.* Whoever shall do any of the acts or things prohibited, or wilfully neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment in the discretion of the court.—*As amended, Act No. 117, P. A. 1899, p. 168.*

5029. (20) *Enforcement of law.* It shall be the duty of the Dairy and Food Commissioner of the State to investigate all complaints of violations of this act, and take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to completion all suits brought under the provisions of this act upon the complaint of the commissioner or of any citizen. It shall be the duty of all food inspectors in cities to examine all complaints made to them of violation of this act, and to render assistance in enforcing its provisions. It shall also be the duty of all health boards in cities and health officers in townships to take cognizance of and report or prosecute all violations of this act that may be brought to their notice, or they may have cognizance of, within their jurisdiction.

P. A. 1895; Compiled Laws, vol. 2, p. 1585.

11404. *Unwholesome provisions.* If any person shall knowingly sell any kind of diseased, corrupted or unwholesome provisions whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred dollars.

11405. *Penalty for fraudulent adulteration of food.* If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars, and the article so adulterated shall be forfeited and destroyed.

11406. *Penalty for fraudulent adulteration of drugs.* If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such manner as to render the same injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.

11426. *Addition of injurious ingredients to food.* No person shall mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any article of food with any ingredient or material so as to render the article injurious to health, with the intent that the same may be sold; and no person shall knowingly sell or offer for sale, any such article so mixed, colored, stained or powdered.^a

11427. *Addition of foreign ingredients to drugs.* No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or ingredients or materials so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered.^a

^a Not under jurisdiction of dairy and food commissioner.

11428. *Fraudulent adulteration of food or drugs; labels.* No person shall mix, color, stain or powder any article of food, drink or medicine, or any article which enters into the composition of food, drink, or medicine, with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale, or order or permit any other person to sell or offer for sale any article so mixed, colored, stained and powdered, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel, or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof), of such article of food, drink or medicine at the time of making sale thereof or offering to sell the same.

11429. *Glucose and oleomargarine, etc., as adulterants; labels.* No person shall mix any glucose or grape sugar with syrup, honey or sugar intended for human food, or any oleomargarine, suine, beef fat, lard, or any other foreign substance, with any butter or cheese intended for human food, or shall mix or mingle any glucose or grape sugar or oleomargarine with any article of food, without distinctly marking, stamping or labeling the article, or the package containing the same, with the true and appropriate name of such article, and the percentage in which glucose or grape sugar, oleomargarine or suine, enter into its composition; nor shall any person sell, or offer for sale, or order, or permit to be sold, or offered for sale, any such food into the composition of which glucose, or grape sugar, or oleomargarine, or suine has entered, without at the same time informing the buyer of the fact, and the proportions in which such glucose or grape sugar, oleomargarine or suine has entered into its composition.

11430. *Penalty.* Any person convicted of violating any provision of any of the foregoing sections of this act shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding three months.

11431. *Prosecutions.* It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under this act in all the courts in their respective counties.

Compiled Laws, 1897, vol. 3, pp. 3404 and 3409.

SEC. 1. *Food products containing preservatives must be so labeled.* No person, firm or corporation shall manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any food product containing benzoic acid or benzoate of sodium, or any other harmless preservative, unless each and every package containing the same shall, in the condition in which it is exposed for sale, be distinctly, conspicuously, and legibly branded, labeled or marked, in plain English letters, with the words "Prepared with" followed by the proper English name of the preservative used: *Provided*, That nothing in this act shall be construed to prohibit or regulate, by branding or otherwise, the use as a preservative of common salt, syrup, sugar, salt petre, spices, alcohol, vinegar or wood smoke: *And provided further*, That the provisions of this act shall not apply to dairy products.

SEC. 2. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved February 24, 1905. Public Acts 1905 [No. 7], p. 9.

ALCOHOLIC LIQUORS.^a

5403. (25) *Adulteration of liquors declared a misdemeanor; penalty.* If any person shall adulterate any spirituous or alcoholic liquors used or intended for drink by mixing the same in the manufacture or preparation thereof, or by process of rectifying, or otherwise, with any deleterious drug, substance, or liquid, which is poisonous or injurious to health, except as hereinafter provided, or if any person shall sell, or offer to sell, any wine, or spirituous, or alcoholic liquors, or shall import into this State any wine or spirituous or intoxicating liquors, and shall sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors from any barrel, cask or other vessel containing the same, and not branded as hereinafter provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, nor less than fifty dollars, and shall be imprisoned in the jail of the county not more than six months nor less than ten days.

5404. (26) *Pure liquors to be labeled.* It shall be the duty of every person or persons engaged in the manufacture and sale of malt, spirituous or alcoholic liquors, or in rectifying or preparing the same in any way, to brand on each barrel, cask, or other vessel containing the same, the name or names of the person, company, or firm manufacturing, rectifying, or preparing the same, and also these words, "Pure and without drugs or poison."

5405. (27) *Sale of unbranded liquors.* No person shall sell at wholesale or retail any ale, rum, wine, or other malt or spirituous liquors from any barrel, cask or vessel unless the same shall have been branded and marked as aforesaid.

5406. (28) *Possession of unbranded packages.* If any barrel, cask or other vessel containing any drugged or poisoned liquor shall be found in the possession of any wholesale or retail dealer in liquors, or in the possession of any person holding himself out as such a dealer, it shall be deemed *prima facie* evidence of the violation of the provisions of this act.

5407. (29) *False branding.* Any person who shall put into any barrel, cask or other vessel, branded or marked as required by this act, any liquors drugged or adulterated as aforesaid, or who shall sell or offer for sale any such liquors, for the purpose and with the intent of deceiving any person in the sale thereof, or shall violate any of the provisions of sections twenty-six, twenty-seven or twenty-eight of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section twenty-five of this act.

5408. (30) *Exemptions.* The provisions of this act shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts from compounding liquors for medicinal and mechanical purposes.

Extract from Act No. 313, P. A. 1887; Compiled Laws, 1897, vol. 2, p. 1706.

BUCKWHEAT FLOUR.

SEC. 1. *Compound flour must be labeled.* Within this State no person shall manufacture, offer or expose for sale, keep in possession with intent to sell, or sell any ground buckwheat containing any product of wheat, corn, rice or other foreign substance, unless each and every package thereof be distinctly and legibly branded or labeled "Buckwheat Flour Compound" in letters not less than one-half inch in length and be followed with the name of the maker and factory and the location of such factory.

SEC. 2. *Style of labels.* Any brand or label herein required shall be an inseparable part of the general or distinguishing label, and such label shall be that principal and conspicuous sign under which it is sold, and any other label or printed matter upon the package shall not be in contravention of the requirements of this act.

^a See General Food Laws, sec. 5025, p. 276.

SEC. 3. *Possession evidence of intent to sell.* The having in possession of any buckwheat flour compound, which is not branded or labeled as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article, shall, for the purpose of this act, be deemed prima facie evidence of intent to sell the same.

SEC. 4. *Contracts, orders, etc., deemed a sale.* The taking of orders or the making of agreements or contract by any person, firm or corporation or by any agent or representative thereof, for the future delivery of buckwheat flour compound shall be deemed a sale within the meaning of this act.

SEC. 5. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

SEC. 6. *Repeal.* Act number eighty-four of the public acts of eighteen hundred ninety-seven, entitled "An act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of buckwheat flour," being sections four thousand nine hundred ninety-four to five thousand two, both inclusive, of the Compiled Laws of one thousand eight hundred ninety-seven is hereby repealed.

Public Acts 1903, No. 208, p. 309.

CANDY.

11409. (1) *Addition of injurious ingredients; penalty.* That any person or persons manufacturing for sale or knowingly selling or offering to sell any candies or confectioneries adulterated by the admixture of terra alba, barytes, talc, or other earthy or mineral substances, or any poisonous colors, flavors or extracts, or other deleterious ingredients detrimental to health, shall, upon proper conviction thereof, before a court of competent jurisdiction, be punished by a fine of not less than ten nor more than one hundred dollars, or imprisonment in the county jail not less than ten nor more than thirty days, or both such fine and imprisonment in the discretion of the court.

11410. (2) *Complaint and prosecutions.* It is hereby made the duty of the local health officer or local board of health having jurisdiction thereof to investigate without unnecessary delay all complaints that may be properly brought before them and containing facts as supported by affidavit of the parties complaining of the adulteration or sale of adulterated candies or confectioneries, and if, after investigation by such officer or board, reasonable cause for action is found to exist, then such officer or board shall at once give notice to the prosecuting attorney of the county in which such complaint is made, and make or cause to be made, before a proper officer, a formal complaint in waiting and duly verified, and thereupon said prosecuting attorney shall immediately commence proceedings against the person or persons so offending.

P. A., 1887, Act No. 11; Compiled Laws, 1897, vol. 3, p. 3405.

COFFEE.

(See General Food Laws, sec. 5024, page 276.)

DAIRY PRODUCTS^a AND FOODS IN GENERAL.

11411. (1) *Sale of impure milk; penalty; act repealed.* That whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this State, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings," with intent to defraud, or shall knowingly sell milk, the product of a sick or diseased animal or animals, or any milk produced from any cow fed upon the refuse of a distillery, or of a brewery, or upon any substance deleterious to the quality of the milk, or shall knowingly use any poisonous or any deleterious material in the manufacture of any cheese or butter, or shall knowingly sell or offer to sell any cheese or butter, in the manufacture of which any poisonous or deleterious substance has been used, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, and may be committed to the county jail until such fine shall be paid: *Provided*, That such imprisonment shall not exceed ninety days; and shall be liable in double the amount of damages to the person or persons, firm, association or corporation upon which such fraud shall have been committed. An act entitled "An act to prevent the adulteration of milk and to prevent the traffic in impure and unwholesome milk," approved March thirty-first, eighteen hundred and seventy-one, is hereby repealed: *Provided*, That any right accrued or forfeiture incurred under said act, shall remain valid and binding, and may be enforced under said act, as if the same were not repealed.—*Act No. 26, P. A., 1873.*

11412. (1) *Sale of impure milk; watering.* That it shall be unlawful for any person, either by himself or agent, to sell or expose for sale within the State of Michigan any unwholesome, watered or adulterated or impure milk, or swill milk, or colostrum, or milk from cows kept upon garbage, swill or any substance in a state of fermentation or putrefaction, or other deleterious substances, or from cows kept in connection with any family in which there are infectious diseases. The addition of water or ice to the milk is hereby declared an adulteration.—*As amended by Act No. 219, P. A. 1889.*

11413. (2) *Penalty.* Any person who shall violate any of the provisions of the preceding section shall be punished by a fine not to exceed one hundred dollars or [by] imprisonment not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

11414. (3) *Milk inspection in Detroit.* It shall be the duty of the metropolitan police commissioners of the city of Detroit, by and with the consent and advice of the board of health of the city of Detroit, to appoint an inspector who shall be a person of previous practical experience. Said inspector may be created captain, sergeant or roundsman of the said police force of the city of Detroit, at the option of the board of metropolitan police commissioners.

11415. (4) *Duties of inspector.* It shall be the duty of said inspector to personally view, so far as possible, all milk exposed for sale in said city, and to visit all dairy houses, barns or stables in said city or the county of Wayne, to inspect the same, and the animals held therein, and to visit all places where milk is kept or exposed for sale in the city of Detroit, and to inspect and ascertain the condition of said milk. He may detail any patrolman of said city to assist him in the performance of any or all the duties enjoined on him by this act: *Provided always*, That said inspector and any policeman so detailed shall always be subject to the provisions of the law establishing and governing the metropolitan police of said city.

11416. (5) *Complaints.* It shall be the duty of said inspector or of his assistant, and of all other inspectors appointed under this act, to make complaint in writing

^a See also General Food Laws, secs. 5013-5017, p. 274.

before a police justice or justice of the peace, or other court having jurisdiction thereof, of every violation of this act coming to his knowledge.—*As amended by Act No. 219, P. A. 1889.*

11417. (6) *Each sale a separate offense.* Each and every quantity of milk sold or exposed for sale, contrary to the provisions of this act, shall constitute a separate offense.

11418. (7) *Hindrance of inspector.* Any person who shall refuse to permit the said inspector, or his assistant (assistants), to perform his duty under this act, either by refusing him entrance to his premises or by concealing any milk, or refusing to permit any milk or animal, or premises wherein the animals are kept, to be viewed and inspected as herein provided, or by in any manner hindering or resisting any said inspector or assistant inspector in the performance of his duty, shall be guilty of a misdemeanor and punished therefor.

11419. (8) *City and village milk inspector.* Authority is hereby given the common council of any city, and the board of trustees or council of any village, to appoint an inspector of milk in any such city or village, and to fix their compensation, and when appointed the said inspectors of milk shall have all the powers given by section four of this act, and shall perform all the duties required of inspectors of milk as provided herein, and such other powers and duties as may be conferred or imposed by the ordinances of said cities or villages.

11420. (9) *Penalty for adulteration of milk.* Whoever shall adulterate by himself, or by his servant or agent, or sell, exchange or deliver, or have in his custody or possession with intent to sell or exchange the same, or exposes or offers for sale or exchange, adulterated milk or milk to which water or any foreign [substance] substances in any state of fermentation or putrefaction, or from sick or diseased cows, shall be guilty of a misdemeanor, and shall, for every such offense, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail or the State House of Correction and Reformatory at Ionia not exceeding three months.—*Added by Act No. 219, P. A. 1889.*

11421. (10) *Penalty for sale of skimmed milk as pure.* Whoever shall adulterate, himself, or by his servant or agent, sell, exchange or deliver, or have in his custody or possession with intent to sell or exchange the same, or exposes or offers for sale as pure milk, any skimmed milk from which the cream or any part thereof has been removed, shall be guilty of a misdemeanor, and shall, for such offense be punished by the penalty provided in the preceding section.—*Added by Act No. 219, P. A. 1889.*

11422. (11) *Skimmed milk to be so labeled.* Any dealer in milk who shall by himself, servant or agent, sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver the same, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the center upon the outside of every vessel, can or package from which any such milk is sold, the words "Skimmed Milk" are distinctly painted in letters not less than one inch in length, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail or Detroit House of Correction not exceeding three months.—*Added by Act No. 219, P. A. 1889.*

11423. (12) *Pure and adulterated milk defined.* If milk sold or offered for sale under the provisions of this act as pure milk, is shown upon analysis by weight to contain more than eighty-seven and fifty one hundredths per centum of watery fluid, or to contain less than twelve and fifty one hundredths of milk solids, per centum, or less fat than three per centum, or if the specific gravity at 60 degrees Fahrenheit is not between 1 29-1000 to 1 33-1000, it shall be deemed to be adulterated. If milk sold or offered for sale under the provisions of this act as skimmed milk has a specific gravity at 60 degrees Fahrenheit less than 1.032, and greater than 1.037, it shall be deemed to be adulterated.—*Added by Act No. 219, P. A. 1889.*

11424. (13) *Manner of testing milk for adulterants.* Whenever any inspector of milk has reason to believe that any milk found by him is adulterated, he shall take specimens thereof and test the same with such instrument or instruments as are used for such purposes, and he shall make an analysis thereof, showing total solids, the percentage of butter, the percentage of water and the percentage of ash; and if the result of such test and analysis indicates that the milk has been adulterated or deprived of its cream, or any part thereof, the same shall be prima facie evidence of such adulteration in a prosecution under this act.—*Added by Act No. 219, P. A. 1889.*

11425. (14) *Penalty for selling skimmed or adulterated milk to factory.* Any person who shall remove the cream or any part thereof from milk to be sold as pure milk to any manufactory in which milk is used as a material in the process of production, and any person who shall, in any manner, adulterate such milk, either by the addition of water or otherwise, shall be guilty of a misdemeanor, and shall, for every such offense, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail or Detroit House of Correction not exceeding ninety days.—*Added by Act No. 219, P. A. 1889.*

P. A. 1887, Act No. 246; Compiled Laws 1897, vol. 3, pp. 3405-3406.

SEC. 1. *Adulterated, diluted or preserved milk.* No person shall offer or expose for sale, sell, exchange or deliver, or have in his possession with intent to sell, exchange or deliver, any milk to which water, chemicals or preservatives, or any other foreign substance, has been added. The term milk as used in this act shall include all skimmed milk, buttermilk, cream and milk in its natural state, as drawn from the cow

SEC. 2. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglects or refuses to do any of the acts or things enjoined by this act, or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one dollar nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 8, 1899. P. A. 1899, Act No. 106, p. 150.

SEC. 1. *Imitation butter must be labeled.* No person shall sell, expose or offer for sale or exchange, or have in his possession with intent to sell or exchange, any oleomargarine or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless each and every vessel, package, roll or parcel of such substance has distinctly and durably printed, stamped or stenciled thereon in black letters the true name of such substance, in ordinary bold faced capital letters, not less than five line pica in size; and also the name and address of the manufacturer, together with the name of each and every article or ingredient used or entering into the composition of such substance, in ordinary bold faced letters, not less than pica in size.

SEC. 2. *Dealers in same must give verbal notice and separate label when selling imitation butter.* No person shall sell, exchange or deliver any oleomargarine or other substance made in imitation of butter and which is intended to be used as a substitute for butter, unless he shall distinctly inform the purchaser by a verbal notice at the time of the sale that the same is a substitute butter, and shall also deliver to the purchaser of each and every roll, package or parcel of such oleomargarine or other substance, at the time of the delivery of the same, a separate and distinct label, on which is plainly and legibly printed in black ink, in ordinary bold faced capital letters not less than five line pica in size, the true name of such substance, and also the name and address of the manufacturer, together with the name of each article

used and entering into the composition of such substance, in ordinary bold faced letters not less than pica in size.

SEC. 3. *Hotels, etc., furnishing oleomargarine must display signs.* The proprietor or keeper of any store, hotel, restaurant, eating saloon, boarding house, or other place where oleomargarine is sold or furnished to persons paying for the same, shall have placed on the walls of every store or room where oleomargarine is sold or furnished, a white placard on which is printed in black ink, in plain Roman letters of not less than three inches in length, and not less than 2 inches in width, the words "Oleomargarine Sold or Used Here," and shall at all times keep the same exposed in such conspicuous place as to be readily seen by any and all persons entering such store or other room or rooms.

SEC. 4. *Imitation butter must not be designated by terms applied to pure article.* No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "Butter," "Creamery," or "Dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter.

SEC. 5. *Butter defined.* For the purpose of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

SEC. 6. *Oleomargarine defined.* For the purposes of this act certain manufactured substances, certain extracts and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "Oleomargarine," namely: "All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, intestinal fat, and offal fat, made in imitation or semblance of butter, or when so made, calculated or intended to be sold or used as butter or for butter.

SEC. 7. *Penalty.* Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court, in each and every offense. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 23, 1899. P. A. 1899, Act No. 147, p. 218.

SEC. 1. *Process or renovated butter must be labeled.* No person, firm or corporation shall manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession with the intent to sell, exchange or deliver, any butter that is produced by taking original packing stock butter or other butter, or both, melting the same so that the butter fat can be drawn off or extracted, mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning or reworking the said mixture; nor shall any person, firm or corporation manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession for any such purpose, any butter which has been subjected to any process by which

it is melted, clarified or refined, and made to resemble butter, and is commonly known as boiled, process or renovated butter, and which for the purpose of this act is hereby designated as "Renovated Butter," unless the same shall be branded or marked as provided in section two of this act.

SEC. 2. *Style of labels prescribed.* Whoever, himself or by his agent, or as the servant or agent of another person shall sell, expose for sale or have in his custody or possession with the intent to sell any "Renovated Butter," as defined in section one of this act, shall have the words "Renovated Butter" conspicuously stamped, labeled or marked in one or two lines and in plain gothic letters, at least three-eighths of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said "Renovated Butter;" or, if such butter is exposed for sale uncovered, or not in a case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be easily seen and read by the purchaser. When "Renovated Butter" is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers, plainly stamped on the outside thereof with the words "Renovated Butter" printed or stamped thereon in one or two lines, and in plain gothic letters at least three-eighths of an inch square, and such wrapper shall contain no other words or printing thereon, and said words "Renovated Butter" so stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

SEC. 3. *Penalties.* Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or Michigan Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

SEC. 4. *Repeal.* Act number two hundred fifty-four of the public acts of eighteen hundred ninety-nine, entitled "An act to regulate the sale of butter produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process and commonly known as 'process' butter; providing for the enforcement thereof, and punishment for the violation of the same," is hereby repealed.

Approved June 18, 1903. P. A. 1903, No. 243, p. 397.

SEC. 1. *Penalty for obstructing enforcement of law.* That any person who shall obstruct the Dairy and Food Commissioner, or his deputy, or any of his duly appointed inspectors, by refusing to allow him entrance to any place where he is authorized to enter in the discharge of his official duty, or refuses to deliver to him a sufficient sample for the analysis of any article of food or drink sold, offered or exposed for sale, or in his possession for the purpose of sale, wherever the same may be found, when the same is requested and when the value thereof is tendered, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not less than ten days or more than ninety days, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

Approved June 23, 1899. P. A. 1899, p. 246.

4973. (1) *Appointment of dairy and food commissioner.* Within thirty days after this act shall take effect, the Governor, by and with the consent of the Senate, shall appoint a suitable person to be Dairy and Food Commissioner, which office is hereby created, and which commissioner so appointed shall hold his office until the first day of January, one thousand eight hundred and ninety-five, and until his successor is appointed and qualified. At the next regular session of the legislature, and every two years thereafter, the Governor, by and with the advice and consent of the Senate, shall appoint a Dairy and Food Commissioner, who shall hold his office for the term of two years from the first day of January in the year of his appointment, and until his successor is appointed and qualified.

4974. (2) *Removal of commissioner.* The Governor shall have power to remove such commissioner at any time in his discretion; but the reasons for such removal shall be laid before the Senate at the next regular or special session of the legislature thereafter, and in case of a vacancy in the office of commissioner from any cause, the Governor may appoint another person to fill the same.

4975. (3) *Oath of office and bond.* Before entering upon the duties of his office, the person so appointed shall make, subscribe, and file in the office of the Secretary of State, an oath of office in the form prescribed by section one of article eighteen of the constitution of this State, and shall enter into bonds with the people of the State of Michigan in the sum of ten thousand dollars, with sureties to be approved by the Governor, conditioned for the faithful performance of his duties.

4976. (4) *Salaries; appointment of inspectors, deputies, and clerks.* Said commissioner shall receive an annual salary of two thousand dollars. The said commissioner is hereby authorized and empowered, by and with the advice and consent of the Governor, to appoint a deputy commissioner. The salary of the deputy commissioner shall be fifteen hundred dollars per annum. The said commissioner may also appoint eight regular inspectors, who shall receive an annual salary not to exceed one thousand dollars per year, and such other special inspectors as the proper performance of the duties of the office may require, which special inspectors shall be paid not to exceed three dollars per day for time actually employed: *Provided*, That the amount paid such special inspectors any one fiscal year shall not exceed six thousand dollars. The persons so appointed shall have power to administer oaths in all matters relative to the dairy and food laws and shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State; and they shall hold office during the pleasure of the commissioner. The inspectors shall have the same right of access to the places to be inspected as the said commissioner or his deputy. The commissioner shall appoint such clerks as he may deem necessary for the transaction of the business of his office. The salaries and expenses authorized by this section shall be for the unexpired part of the fiscal year ending June thirty, nineteen hundred five, and each fiscal year thereafter. Said salaries are to be paid monthly on the warrant of the Auditor General. The actual and necessary expenses of the commissioner, deputy and inspectors, in the performance of their official duties, shall be audited by the State Board of Auditors and paid upon the warrant of the Auditor General. Such compensation and expenses shall be certified, audited and paid in the same manner as salaries and expenses paid similar officers. The deputy commissioner and inspectors shall enter into bonds with the people of the State of Michigan in the sum of five thousand dollars each, with sureties to be approved by the commissioner, conditioned for the faithful performance of their respective duties. The Board of State Auditors shall provide office room, and the necessary furniture and fixtures and the necessary stationery, supplies and printing for the conducting of the business of said commissioner, on his application to said board therefor. Said office shall be and remain in the city of Lansing.—*Am. by Act No. 245, P. A. 1895; Act No. 154, P. A. 1897; Act No. 186, P. A. 1901; Act No. 230, P. A. 1903; Act No. 12, P. A. 1905.*

4977. (5) *State analyst and assistant chemist; salaries and expenses.* The commissioner, by and with the consent of the Governor, shall appoint a suitable and competent person as State analyst, who shall be a practical analytical chemist. The commissioner, in like manner, may appoint an assistant chemist. Before entering upon the duties of their offices, they shall take, subscribe and file in the office of the Secretary of State the constitutional oath of office. Their term of office shall continue during the pleasure of the commissioner. The Board of State Auditors shall provide a room in connection with the Dairy and Food Commissioner for the laboratory of the State analyst and his assistant, and the necessary furniture and fixtures therefor. In case of the absence or inability of the State analyst or his assistant to perform their duty, the commissioner may appoint some competent person to perform the same temporarily, which person shall take, subscribe and file the constitutional oath of office. The salaries and expenses authorized by this section shall be for the unexpired part of the fiscal year ending June thirty, nineteen hundred five, and each fiscal year thereafter, said salaries to be payable monthly on the warrant of the Auditor General. The salary of the chemist shall be not to exceed two thousand dollars; the salary of the assistant chemist shall be not to exceed twelve hundred dollars. The actual and necessary expenses of the chemist and the assistant chemist, in the performance of their official duties, shall be audited by the Board of State Auditors, and paid upon the warrant of the Auditor General. Such an amount as is found to be necessary in the proper performance of the work of the analyst may be expended for chemical supplies. Such compensations, expenses and supplies shall be certified, audited and paid in the same manner as the salaries, expenses and supplies of similar officers.—*Am. by Act No. 245, P. A. 1895; Act No. 154, P. A. 1897; Act No. 186, P. A. 1901; Act No. 230, P. A. 1903; Act No. 2, P. A. 1905.*

4978. (6) *Duties of commissioner; prosecution, inspection, etc.; penalty for keeping unsanitary bakeries, confectionaries, etc.* It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the dairy and food and drink products and the several articles which are foods or drinks, or the necessary constituents of foods or drinks, which are manufactured or sold or exposed or offered for sale in this State, and he may, in a lawful manner, procure samples of the same and direct the State analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis of all and any of such food and drink products or dairy products as are adulterated, impure or unwholesome in contravention of the laws of this State; and it shall be the duty of the commissioner to make a complaint against the manufacturer or vendor thereof in the proper county and furnish all evidence thereof, to obtain a conviction of the offense charged. The Dairy and Food Commissioner, or his deputy, or any person appointed by him for that purpose may make complaint and cause proceedings to be commenced against any person for the enforcement of any of the laws relative to adulterated, impure or unwholesome food or drink, and in such case he shall not be obliged to furnish security for costs and shall have power, in the performance of their duties, to enter into any creamery, factory, store, salesroom, drug store, or laboratory, or place where they have reason to believe food or drink are made, stored, sold or offered for sale and open any cask, tub, jar, bottle or package containing, or supposed to contain, any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or product in the presence of at least one witness, and he shall, in the presence of said witness, mark or seal such sample and shall tender at the time of taking to the manufacturer or vendor of such product, or to the person having the custody of the same, the value thereof, and a statement in writing for the taking of such sample. Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that filthy or unsanitary conditions exist or are permitted to exist in the operation of any bakery, confectionary, or ice cream plant, or in any

place where any food or drink products are manufactured, stored, deposited or sold for any purpose whatever, the proprietor or proprietors, owner or owners, of such bakery, confectionary or ice cream plant, or any person or persons owning or operating any plant where any food or drink products are manufactured, stored, deposited or sold, shall be first notified and warned by the commissioner, his deputy or inspectors to place such bakery, confectionary or ice cream plant, or any place where any food or drink products are manufactured, stored, deposited or sold in a sanitary condition within a reasonable length of time; and any person or persons owning and operating any bakery, confectionary or ice cream plant or any place where any food or drink products are manufactured, stored, deposited or sold, failing to obey such notice and warning, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than twenty-five dollars nor more than three hundred dollars and costs of prosecution, or imprisonment in the county jail not to exceed ninety days, or until such fine and costs are paid, or both fine and imprisonment in the discretion of the court.—*Am. by Act No. 245, P. A. 1895; Act No. 154, P. A. 1897; Act No. 268, P. A. 1899; Act No. 12, P. A. 1905.*

4979. (7) *Seizure and analysis of suspected products; prosecution; forfeiture and sale.*
The commissioner, his deputy or any person by said commissioner duly appointed for that purpose, is authorized at all times to seize and take possession of any and all food and dairy products, substitutes therefor, or imitation thereof kept for sale, exposed for sale or held in possession or under the control of any person which in the opinion of the said commissioner, or his deputy or such person by him duly appointed, shall be contrary to the provisions of this act or other laws which now exist or which may be hereafter enacted.

First, The person so making such seizure as aforesaid, shall take from such goods as seized a sample for the purpose of analysis and shall cause the remainder thereof to be boxed and sealed and shall leave the same in the possession of the person from whom they were seized, subject to such disposition as shall hereafter be made thereof according to the provisions of this act.

Second, The person so making such seizure, shall forward the sample so taken to the State Analyst for analysis, who shall make an analysis of the same and shall certify the results of such analysis, which certificate shall be prima facie evidence of the fact or facts therein certified to in any court where the same may be offered in evidence.

Third, If upon such analysis it shall appear that said food or dairy products are adulterated, substitutes or imitations within the meaning of this act, said commissioner, or his deputy or any person by him duly authorized may make complaint before any justice of the peace or police justice having jurisdiction in the city, village or township where such goods were seized, and thereupon said justice of the peace shall issue his summons to the person from whom said goods were seized, directing him to appear not less than six nor more than twelve days from the date of the issuing of said summons and show cause why said goods should not be condemned and disposed of. If the said person from whom said goods were seized cannot be found said summons shall be served upon the person then in possession of the goods. The said summons shall be served at least six days before the time of appearance mentioned therein. If the person from whom said goods were seized cannot be found, and no one can be found in possession of said goods, and the defendants shall not appear on the return day, then said justice of the peace shall proceed in said cause in the same manner provided by law where a writ of attachment is returned not personally served upon any of the defendants and none of the defendants shall appear upon the return day.

Fourth, Unless cause to the contrary thereof is shown, or if said goods shall be found upon trial to be in violation of any of the provisions of this act or other laws which now exist or which may be hereafter enacted, it shall be the duty of said

justice of the peace or police justice to render judgment that said seized property be forfeited to the State of Michigan, and that the said goods be destroyed or sold by the said commissioner for any purpose other than to be used for food. The mode of procedure before said justice shall be the same as near as may be as in civil proceedings before justices of the peace. Either parties may appeal to the circuit court as appeals are taken from justices' courts, but it shall not be necessary for the people to give any appeal bond.

Fifth, The proceeds arising from any such sale shall be paid into the State treasury and credited to the general fund: *Provided*, That if the owner or party claiming the property or goods so declared forfeited can produce and prove a written guarantee of purity, signed by the wholesaler, jobber, manufacturer or other party from whom said articles were purchased, then the proceeds of the sale of such articles, over and above the costs of seizure, forfeiture, and sale, shall be paid over to such owner or claimant to reimburse him, to the extent of such surplus, for his actual loss resulting from such seizure and forfeiture, as shown by the invoice.

Sixth, It shall be the duty of each prosecuting attorney when called upon by said commissioners [commissioner] or by any person by him authorized as aforesaid, to render any legal assistance in his power in proceedings under the provisions of this act, or any subsequent act relative to the adulteration of food, for the sale of impure or unwholesome food or food products.—*Amended by Act No. 245, P. A. 1895; Act No. 268, P. A. 1899; Act No. 230, P. A. 1903.*

4980. (8) *Unlawful for analyst to furnish certificates of purity.* It shall be unlawful for the State Analyst, while he holds his office, to furnish to any individual, firm or corporation, any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

4981. (9) *Annual report.* The commissioner shall make an annual report to the Governor on or before the first day of July in each year, and which shall be printed and published on or before the first day of September next thereafter, which report shall cover the doings of his office for the preceding fiscal year which shall show, among other things, the number of manufactories and other places inspected, and by whom, the number of specimens of food articles analyzed, and the State Analyst's report upon each one; the number of complaints entered against persons for violation of the laws relative to the adulteration of food, the number of convictions had, and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner shall also prepare, print and distribute to all the papers of the State, and to such persons as may be interested, or may apply therefor, a monthly bulletin in suitable paper covers, containing results of inspections, the results of analyses made by the State Analyst, with popular explanation of the same, and such other information as may come to him in his official capacity relating to the adulteration of food and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of all the work done during the month by the commissioner and his assistants in the enforcement of the laws of the State, but not more than ten thousand copies of each of such monthly bulletins shall be printed.—*As amended, Act No. 245, P. A. 1895; Act No. 154, P. A. 1897; Act No. 268, P. A. 1899, p. 456.*

4982. (10) *Penalty for obstructing commissioner.* Any person who shall willfully hinder or obstruct the Dairy and Food Commissioner, or his deputy, or other person or inspector by him duly authorized, in the exercise of the powers conferred upon him by this act, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or both such fine and imprisonment in the discretion of the court.—*Added by Act No. 245, 1895.*

1983. (11) *Appropriation for salaries and expenses.* The sum of thirty-five thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred six, and for each fiscal year thereafter, there is hereby appropriated the sum of thirty-five thousand dollars. Out of the amounts appropriated by this act shall be paid all salaries and expenses and chemical supplies provided for therein: *Provided*, That all expenses for stationery and printing shall be audited and paid in the same manner as other State printing and stationery.—*Added by Act No. 245, P. A. 1895. Amended by Act No. 154, P. A. 1897; Act No. 268, P. A. 1899; Act No. 186, P. A. 1901; Act No. 12, P. A. 1905.*

1984. (12) *State tax to cover appropriation.* The Auditor General is hereby directed to annually add to and incorporate into the State tax, to be levied each year, the sum of thirty-five thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money appropriated by this act.—*Added by Act No. 245, P. A. 1895. Amended by Act No. 154, P. A. 1897; Act No. 268, P. A. 1899; Act No. 186, P. A. 1901; Act No. 230, P. A. 1903; Act No. 12, P. A. 1905.*

SEC. 13. *Inspection of dairies, cheese factories, etc.; instruction by inspectors.* It shall also be the duty of the Dairy and Food Commissioner to foster and encourage the dairy industry of the State, and, for that purpose, he shall investigate the general conditions of the creameries, cheese factories, condensed milk factories, skimming stations, milk stations and farm dairies in this State, with full power to enter upon any premises for such investigation, with the object in view of improving the quality and creating and maintaining uniformity of the dairy products of the State; and should it become necessary, in the judgment of the Dairy and Food Commissioner, he may cause instruction to be given in any creamery, cheese factory, condensed milk factory, skimming station, milk station, or farm dairy, or in any locality in this State, and in order to secure the proper feeding and care of cows, or the practical operation of any plant producing dairy products, and in order to secure such a uniform and standard quality of dairy products in this State, he shall furnish a sufficient number of competent inspectors for that purpose, the appointment of whom is provided for in section four of this act, and they shall be duly qualified to act as such inspectors.—*Added by Act No. 12, P. A. 1905, pp. 17-18.*

SEC. 14. *Penalty for sale of impure milk.* Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that any person is using, selling or furnishing to any skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade or to any consumer of milk, any impure or unwholesome milk or cream, which impurity or unwholesomeness is caused by the unsanitary or filthy condition of the premises where cows are kept, or by the unsanitary or filthy care or handling of the cows, or from unclean utensils being used, or from unwholesome food, or from any other cause, the person so using, selling or furnishing to any skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade, or to any consumer of milk, any such milk or cream, shall first be notified and warned by the commissioner, his deputy or inspectors not to use, sell, or furnish such milk or cream to such skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade, or to any consumer of milk, and any person failing to obey such notice and warning, and continuing to use, sell or furnish to any skimming station, creamery, cheese factory, condensed milk factory, farm dairy, milk dealer or to the retail trade such impure or unwholesome milk or cream, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars, nor more than fifty dollars, and costs of prosecution, or imprisonment in the county jail, not to exceed ninety days, or until such fine and costs are paid, or both fine and imprisonment in the discretion of the court.—*Added by Act No. 12, P. A. 1905, p. 18.*

SEC. 15. *Unsanitary conditions of creameries, cheese factories, etc.; penalty.* Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that unsanitary conditions exist or are permitted to exist in the operation of any skimming station, creamery, cheese factory, condensed milk factory, milk depot, or farm dairy, the proprietor or proprietors, or manager of said skimming station, creamery, cheese factory, condensed milk factory or farm dairy, shall be first notified and warned by the commissioner, his deputy or inspectors to place such skimming station, creamery, cheese factory, condensed milk factory, milk depot or farm dairy in a sanitary condition, within a reasonable length of time; and any person or persons owning or operating such skimming station, creamery, cheese factory, condensed milk factory, milk depot, or farm dairy, failing to obey such notice and warning, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than twenty-five, nor more than three hundred dollars, and costs of prosecution, or imprisonment in the county jail, not to exceed ninety days or until such fine and costs are paid, or both fine and imprisonment in the discretion of the court.—*Added by Act No. 12, P. A. 1905, pp. 18-19.*

SEC. 16. *Registration of creameries, cheese factories; reports; fee.* It shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk factory or milk depot, in the State where milk or cream is received by purchase or otherwise from three or more persons, to register with the Dairy and Food Commissioner on or before April first of each year, upon blanks furnished by said official, the location of such skimming station, creamery, cheese factory, condensed milk factory or milk depot, and the name of its owner or owners and manager. And it shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk factory or milk depot in this State, where milk or cream is received by purchase or otherwise from three or more persons, to file a report with the Dairy and Food Commissioner, said report to be made on or before April first of each year, upon blanks furnished by said official, and to show the amount of milk or cream received by said skimming station, creamery, cheese factory, condensed milk factory or milk depot during the year ending December thirty-first preceding; and said report shall show the amount of butter, cheese or condensed milk manufactured during the year, together with a list of the names and postoffice addresses of the patrons of said skimming station, creamery, cheese factory, condensed milk factory or milk depot. Every skimming station, creamery, cheese factory, condensed milk factory or milk depot, so registering and so reporting, shall pay to the office of the State Dairy and Food Commissioner an annual registration fee of five dollars, to be paid at the time of such registration. The money so collected by the Dairy and Food Commissioner shall be paid into the State treasury and be used to help defray the expenses of the office of the Dairy and Food Commissioner, in addition to the annual appropriation therefor.—*Added by Act No. 12, P. A. 1905, p. 19.*

SEC. 17. *Milk license; fees; penalty.* Any person, persons or corporation who shall sell milk or cream from a wagon or other conveyance, depot or store, or who shall sell or deliver milk or cream to a hotel, restaurant, boarding house or any public place, shall be considered a milk dealer; and every milk dealer who shall sell milk or cream from a wagon or other conveyance, depot or store, or who shall sell, or deliver milk or cream to a hotel, restaurant, boarding house or any public place in any city, town or village of this State, must first obtain a license from the Dairy and Food Commissioner to sell such milk or cream. A license shall be required for each wagon or other conveyance, depot or store. Each dealer shall pay to the Dairy and Food Commissioner a license fee of one dollar for each license so granted, which license must be obtained on or before the first day of July of each year. The moneys received by the Dairy and Food Commissioner, in payment of such licenses, shall be paid into the State treasury and be used to help defray the expenses of the

office of the Dairy and Food Commissioner in addition to the annual appropriation. All licenses shall be used only in the name of the owner of the wagon, depot or store, and shall, for the purpose of this act, be prima facie evidence of ownership. No license shall be sold, assigned, or transferred. Each license shall record the name, residence, place of business, number of wagons, depots or stores used (where more than one is employed) and the number of the license. Whoever violates any of the provisions of this section, in so far as relates to registration and the securing of licenses, shall be deemed guilty of a misdemeanor, and for each and every offense shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or both.—*Added by Act No. 12, P. A. 1905, pp. 19-20.*

SEC. 18. *Sale of concentrated commercial feeding stuffs; label; definition; trade-mark, certified analysis and fee; sampling and analysis by commissioner.* Any manufacturer, company, person or persons who shall sell, offer or expose for sale or for distribution, in this State, any concentrated commercial feeding stuff used for feeding live stock, shall furnish with each car, or other amounts shipped in bulk, and shall affix to every package of such feeding stuff, in a conspicuous place, on the outside thereof, a plainly printed statement, clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, the name or trade-mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business, and a chemical analysis, stating the percentages it contains of crude protein, crude fibre, nitrogen, free extract and ether extract, all constituents to be determined by the methods adopted by the association of official agricultural chemists. Whenever any feeding stuff is sold at retail, in bulk or in packages belonging to the purchaser, the agent or dealer shall furnish to him a certified copy of the chemical analysis named in this section.

(a) The term concentrated commercial feeding stuffs as used in this act shall include linseed meal, cotton seed meal, pea meals, cocoanut meals, gluten meals, oil meals of all kinds, gluten feeds, maize feeds, starch feeds, mixed sugar feeds, hominy feeds, rice meals, oat feeds, corn and oat feeds, meat meals, dried blood, clover meals, mixed feeds of all kinds, slaughter house waste products; also all condimental stock foods, patented and proprietary stock foods, claimed to possess nutritive properties and all other materials intended for feeding to domestic animals: *Provided*, That such feeding stuffs, as defined above, shall not include hays, straws, fodders, ensilage, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, flax-seed, maize, buckwheat, wet brewers' grains, malt sprouts, wet or dried beet pulp when unmixed with other materials. Neither shall it include wheat, rye and buckwheat brans or middlings not mixed with other substances, but sold separately as distinct articles of commerce, nor pure grains ground together.

(b) Before any manufacturer, company, person or persons shall sell, offer or expose for sale in this State any concentrated commercial feeding stuff, he or they shall, for each and every feeding stuff bearing a distinguishing name or trade-mark, file annually, with the Dairy and Food Commissioner a certified copy of the chemical analysis and certificate referred to in this section, and shall deposit with said Dairy and Food Commissioner a sealed glass jar, or bottle, containing at least one pound of the feeding stuff to be sold or offered for sale, together with an affidavit that it is a fair sample of the article thus to be sold or offered for sale. He or they shall also pay annually into the State treasury a license fee of twenty dollars for each and every brand of feeding stuff he offers or exposes for sale in this State. Said fee is to be paid on or before April first of each year: *Provided*, That whenever the manufacturer or importer shall have paid this license fee, his agents shall not be required to do so. Whenever any manufacturer, importer, agent or seller of any commercial feeding stuff desires at any time to sell such material and has not paid

the license fee therefor, he shall pay the licence fee prescribed in this section, before making any such sale. The money collected under the provisions of this act shall be paid into the State treasury and be used to help defray the expenses of the office of the Dairy and Food Commissioner, in addition to the regular appropriation therefor.

(c) Whenever the manufacturer, importer, agent or seller of any commercial feeding stuff shall have complied with the requirements of this section, the Dairy and Food Commissioner shall issue or cause to be issued, a license, permitting the sale of said feeding stuff, which license shall terminate on April first following the date of issue.

(d) All such analyses of commercial feeding stuffs required by this act, shall be made under the direction of the Dairy and Food Commissioner, and shall be paid for out of the funds arising from the license fees provided for in this section.

(e) The Dairy and Food Commissioner shall publish, or cause to be published in bulletin form, at least annually a correct statement of all analyses made, together with any incidental information concerning same which he may deem proper.

(f) Any manufacturer, importer, company, agent, person or persons, who shall sell, offer or expose for sale, without first complying with the provisions of this act, any commercial feeding stuff, or shall attach or cause to be attached to any ear, package or other quantity of said feeding stuff, an analysis stating that it contains a larger percentage of any one or more of the constituents named in this section than it really does contain shall, upon conviction thereof, be fined not less than one hundred dollars for the first offense, and not less than three hundred dollars for every subsequent offense, and the offender shall also be liable for damages sustained by the purchaser of such feeding stuff on account of such misrepresentation.

(g) The Dairy and Food Commissioner, by any duly authorized agent, is hereby authorized to select from any package of commercial or other feeding stuff exposed or offered for sale in this State, a quantity not exceeding two pounds for a sample, such sample to be used for the purposes of an official analysis and for comparison with the certificate filed with the Dairy and Food Commissioner, and with the certificate affixed to the package on sale.—*Added by Act No. 12, P. A. 1905, pp. 20-22.*

SEC. 19. *Annual report of commissioner.* The published annual report of the Dairy and Food Commissioner which shall be made to the Governor, shall include a complete accounting of all moneys received by the department from every source, and the amount expended by the department.—*Added by Act No. 12, P. A. 1905, p. 22.*

SEC. 20. *Repeal.* All acts and parts of acts inconsistent with this act so far as they are inconsistent are hereby repealed.

This act is ordered to take immediate effect.—*Added by Act No. 12, P. A. 1905, p. 22.*

Compiled Laws 1897, vol. 2, p. 1575.

4985. (1) *Imitation butter.* No person, by himself or his agents, or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product or compound made wholly or in part out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

4986. (2) *Penalty.* Whoever violates any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than six months nor more than three

years, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

Approved, April 15, 1897, and reenacted without change, 1901; P. A. 1901, Act No. 22, p. 37.

2243. (1) *Butter substitutes in public institutions.* That the use of oleomargarine, butterine, or any other substitute for butter, in any of the public institutions of this State, be and the same is hereby prohibited.

2244. (2) *Penalty.* Any warden, superintendent or other officer of any such institution, who shall knowingly violate the provisions of *section one of this act*, or shall knowingly permit the same to be violated shall be deemed guilty of a misdemeanor and every violation shall constitute a separate offense and on conviction thereof shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars, together with costs of prosecution, or by imprisonment in the county jail of the county in which said institution is situated, not exceeding ninety days, or by both such fine and imprisonment, at the discretion of the court.

Compiled Laws 1897, vol. 1, p. 763.

JELLIES, CANNED GOODS, ETC.

(See General Food Laws, secs. 5022, 5023, p. 275.)

LARD.

(See General Food Laws, secs. 5018-5021, p. 275.)

MAPLE PRODUCTS.

5009. *False labels; penalty.* Any person, dealer, firm, manufacturer, or corporation, who shall falsely stamp or misrepresent or label any cans, jugs, jars, or packages, containing maple molasses, or maple syrup, or maple sugar, that is in any wise adulterated, or knowingly permits such [misrepresentation] misrepresentations or false stamping or labeling, shall be deemed guilty of a misdemeanor, and punished by a fine, not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine or imprisonment, in the discretion of the court.

Compiled Laws 1897, vol. 2, p. 1584.

MEAT.

SEC. 1. *Inspector, licenses, and public abattoirs authorized in cities, etc.* Any city or village in this State may appoint an inspector or inspectors of animals and meat supplies intended for human consumption therein, license the sale thereof, provide for the regulation of slaughter-houses wherein such animals intended for use as human food in such city or village are slaughtered, and the markets and places where meat intended for consumption as human food is kept or offered for sale within such city or village, the vehicle in which such meat is transported, or from which same is sold, offered for sale or disposed of for said purpose; and cause to be erected and maintained a public abattoir therein and regulate the use thereof.

SEC. 2. *Application for license; revocation.* No person or persons shall vend or offer for sale in any city or village having an inspector of meats as provided by this act, any meat intended for human consumption, whether slaughtered within such city or village or elsewhere, unless licensed so to do by the board of health of such city or village. Any person or persons desiring so to do may apply to the board of health of such city or village for a license; but the clerk shall not issue same until the appli-

cant therefor presents a statement in writing signed by him which shall state fully and explicitly:

- (a) The name and residence of said applicant.
- (b) The exact location or place from which said applicant obtains his meats, whether slaughtered by himself in whole or in part.
- (c) The manner in which said applicant intends to dispose of his meats when licensed.
- (d) A written consent granting permission to the meat inspector, the health officer or his representative, or any member of the board of health, the mayor or any alderman of said city, or the president and trustees of said village free and open access to the slaughter-house in which he proposes to slaughter and the market or vehicle owned, leased or occupied by him from which his meat is sold, for the purpose of making inspection of the said premises, market or vehicle. Blanks for such applications shall be furnished by the clerk. Each applicant for a license shall also stipulate in writing that he will faithfully conform and cause the slaughter-house, market or vehicle owned, leased or occupied by him to comply in all respects with the requirements of the ordinance of said city or village enacted under the provisions of this act, and pay such license fee as shall be prescribed therein. The city or village clerk shall not issue any such license until the meat inspector shall have examined into the sanitary condition and cleanliness of the slaughter-house to be used by the applicant, or the market where his meat is to be sold, or the vehicle in which it is to be transported or from which it is to be sold or offered for sale, and shall certify that same comply with the requirements of the ordinance in force therein. The mayor of said city or president of said village may at any time revoke and suspend any license issued pursuant thereto if, upon investigation and report of the meat inspector and after hearing the holder of such license summarily, he shall find the condition of the slaughter-house where meat is slaughtered, or the market or vehicle or the meat offered for sale to be in violation of the provisions of said ordinance filthy or detrimental to the public health; which revocation shall continue until such person shall have fully complied with the requirements of this act and the provisions of the said ordinance. This section shall apply to slaughter-houses whether situated within or without the city or village limits.

SEC. 3. *Tests and requirements to exclude unwholesome meat.* Each city or village having a meat inspector under the provisions of this act shall establish by ordinance such tests and requirements in conformity herewith as are necessary for the purpose of excluding from within its limits for sale or use as human food any diseased or unwholesome meat, meat which has been prepared, dressed or stored in an unsanitary or filthy place, or handled or transported in an unsanitary or filthy manner; and each city or village shall authorize and empower its inspector or inspectors to enforce such tests and requirements, and shall provide and enforce suitable penalties for the violation of any provisions of such ordinance.

SEC. 4. *Appointment of inspector and deputies; duties.* Any city or village having enacted an ordinance under the provisions of this act shall immediately appoint a person qualified by education and experience to properly perform the duties of the office of inspector, who shall hold his office for one year and until his successor is appointed and qualified, and such deputies with like qualifications as may be necessary, who shall hold office for a like term; and such inspector and all deputy inspectors shall take an oath of office to faithfully and impartially discharge all the duties thereof. The inspector shall promptly report to the city or village attorney, or to the proper prosecuting officer for prosecution every violation of the ordinance in force in such city or village under the provisions of this act, and shall also report to the board of health of said city or village, at least monthly, in detail, all inspections made by him and all violations of said ordinance.

SEC. 5. *Slaughter-house requirements.* Any city or village having enacted an ordinance under the provision of this act shall specify the following requirements for all slaughter-houses within its limits:

(a) No slaughtering shall be done in barns, sheds, or other building not designed and not suitable for slaughtering animals and for the handling, dressing and cooling of meats; nor shall any slaughtering be done outside of a building.

(b) All slaughter-houses^a shall have an abundant supply of water from a well or other source which is not contaminated from the slaughter-house or surrounding pens or enclosures, or any part of the premises; and which may be applied with adequate pressure through a hose to any part of the room or rooms used for the purpose of slaughtering or preparing meats for consumption as human food.

(c) All slaughter-houses shall have suitable floors and sub-drainage with proper sewer connections, which floors shall be thoroughly washed off each day after the slaughtering is completed.

(d) The walls and all exposed surfaces on the inside of slaughter-houses shall be cleansed by washing or scraping as often as once in each month, and if the surfaces are not painted they shall be calcimined or whitewashed at least once a month.

(e) Cooling and store rooms for meat shall be properly ventilated.

(f) All offal and refuse shall be removed from the slaughter-house on the day of slaughtering, and disposed of in a decent and sanitary manner.

(g) All animals kept in yards attached to slaughter-houses shall be treated in a humane manner, and, if kept there over twelve hours, shall be fed and watered.

(h) All pens or enclosures connected with any slaughter-house shall be kept in a proper sanitary condition.

SEC. 6. *Slaughter-houses without city limits.* Any city or village having a meat inspector under the provisions of this act shall refuse to permit to be brought within its limits to be sold or offered for sale therein any meat from any slaughter-house situated outside its limit whose owner, lessee or occupant has not conformed to the requirements specified in section five of this act, and the provisions of the ordinance enacted by said city or village pursuant to this act and in force therein.

SEC. 7. *Appropriation; disposition of fees.* Any city or village having an inspector under the provisions of this act shall appropriate out of its general funds such sums of money as shall be deemed proper for the salary of the inspector and his deputies; and in addition thereto, may apply the license fee and any fees accruing from the inspections of animals and meats, to be paid thereunder for that purpose, or require said fees to be covered into the city or village treasury.

SEC. 8. *Duties of deputy inspectors.* All deputy inspectors shall have the same powers and perform all the duties devolving upon the inspector under his direction and superintendence, except that they shall make all reports required by this act to the inspector, by whom same shall be reported as hereinbefore provided.

SEC. 9. *Inspection by Federal authorities.* All meat which has been inspected by Federal authority shall not be subject to local inspection, except as to the market, vehicle or place at or from which it is sold or offered for sale and as to changes, decomposition, etc.

SEC. 10. *Presence of meat in vehicles, etc., evidence of intent to use as food.* In all prosecutions for violations of any ordinance enacted pursuant to this act, the fact that any meat is found in any slaughter-house, market or vehicle within such city or village shall be presumptive evidence that the same was intended for use as human food.

SEC. 11. *Location of slaughter-houses; public abattoir.* No slaughter-house shall be established or maintained nearer to the limits of any city or village than is prescribed by the law in this State: *Provided, however,* Any city or village having enacted and

^aSo in Statutes.

enforced, an ordinance pursuant to this act may cause to be erected and maintained a public abattoir in which all animals intended for human food within said city or village may be slaughtered, regulate the use thereof, and the terms upon which the same may be used: *Provided, further*, That nothing in this act shall be construed to prevent any farmer from killing, dressing and selling, in the open market, unless diseased, any animal or fowl intended for food that he has raised, fed or slaughtered, nor any dealer or merchant from buying or selling the same.

Approved May 14, 1903. Public Acts of 1903, No. 120, p. 140.

PEPPER.

SEC. 1. *Standard for black pepper.* Within this State no person, firm or corporation shall manufacture, offer or expose for sale, keep in possession with intent to sell, or sell any ground or whole black pepper containing any foreign substance whatever. All black pepper shall contain not more than six and one-half per cent ash or mineral matter; and shall contain not less than twenty-five per cent starch as determined by the diastase method; and shall contain not less than six-tenths of one per cent nor more than one and three-fourths per cent of volatile ether extract; and shall contain not more than ten per cent nor less than six and one-half per cent of non-volatile ether extract; and shall contain not more than sixteen per cent of crude fibre.

SEC. 2. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglects or refuses to do any of the acts or things enjoined by this act, or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than five hundred dollars and the costs of the prosecution or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Approved May 28, 1901. Public Acts, 1901, No. 180, pp. 255-256.

SALT.

4911. (1) *Penalties (dealer and manufacturer) for selling or exporting salt before inspected.* No salt manufactured or mined in this State, after this act takes effect, shall be sold within or exported from this State until the same shall be duly inspected, as provided in this act. Any person who shall violate the provisions of this section shall pay, for the use of the people of this State, as a fine, the sum of one dollar for each barrel or portion thereof of salt sold or exported contrary to the provisions of this act. In case any manufacturer or producer of salt shall, knowingly, sell or export, or permit to be sold or exported, salt, contrary to the provisions of this act, he shall, upon conviction thereof, be liable to a fine not exceeding one thousand dollars or imprisonment in the county jail not exceeding ninety days: *Provided*, That nothing in this act shall apply to salt packed or purchased and in the hands of producers or dealers when this act takes effect.—*C. L. 1871, 1458. How. 1494; Act 200 of 1859, amended by Act 186 of 1861, encouraged the manufacture of salt; Act 50 of 1869 repealed that act; amended June 20, 1905. Public Acts 1905 (No. 323), p. 500.*

4912. (2) *Appointment of inspector.* Immediately after the expiration of the present inspector's term of office, and every two years thereafter, there shall be appointed by the governor of this State, by and with the advice and consent of the senate, an inspector of salt, who shall be a person of competent skill and ability, and who shall hold his office for two years and until his successor shall be appointed and qualified, unless sooner removed for cause. He shall at all times be subject to removal by the governor for cause; and in addition to other causes which may arise, incompetency or inefficiency in the performance of the duties devolved on him by this act, shall be deemed good cause for removal. In case of vacancy in the

office, it shall be the duty of the governor to fill the same by appointment, immediately upon receiving notice thereof, and such appointment shall hold until the close of the next session of the senate; and, in the meantime, the governor shall, with the consent of the senate, appoint to fill the vacancy for the unexpired portion of the term.—*C. L. 1871, 1459. Am. 1879, p. 255; app. May 31; eff. Aug. 30, Act 249. How. 1495.*

4913. (3) *Inspection districts; deputies.* Immediately after his appointment and qualification, the inspector shall divide the salt-making territory of this state into so many inspection districts as he may judge necessary, and shall appoint for each district one or more competent and efficient deputy inspectors, who shall hold office at the pleasure of the inspector, and for whose acts he shall be responsible. Such districts may be changed from time to time, as may be necessary. The inspector shall give his entire time, skill and attention to the duties of his office, and shall not be engaged in any other business or occupation.—*C. L. 1871, 1460; How. 1496.*

4914. (4) *Salaries and expenses.* The inspector shall be entitled to receive an annual salary of fifteen hundred dollars; he shall also be allowed the further sum of three hundred dollars, annually, for the expenses of providing and furnishing his office and for clerk hire, stationery, books, and printing; and such further sum as he may actually and necessarily expend in traveling, and other expenses, in an amount not to exceed seven hundred dollars per annum, which shall be incurred in the proper discharge of his duties; his deputy shall be entitled to such sums in each case as he may approve, not exceeding, in any case, the sum of one hundred dollars per month for the time actually employed: *Provided*, That such deputy inspectors may be allowed their necessary expenses in addition to the above sum when employed outside their respective districts. All salaries and expenses provided for by this act shall be retained by the inspector out of the money received, under the provisions of section five of this act, and accounted for and paid out by him, as provided by this act, which salaries shall be paid monthly: *Provided*, That in case the amount of money received for the inspection of salt, according to the provisions of section five of this act, shall not be sufficient to pay salaries and expenses of the inspector and his deputies, as provided for herein, that the amount of such deficiency shall be deducted from said salaries, pro rata to each.—*C. L. 1871, 1461. Am. 1873, p. 544; app. May 3, Act 199. Am. 1875, p. 124; app. Apr. 16, Act 86. Am. 1877, p. 71; app. May 3, Act 90. Am. 1879, p. 256; app. May 31, eff. Aug. 30, Act 249. How. 1497. Am. June 20, 1905. Public Acts 1905 (No. 323), p. 500.*

4915. (5) *Inspection fees; inspector's accounts.* Each person, firm, company, and corporation engaged in the manufacture or production of salt, or for whom any salt shall be inspected, shall, from time to time, as salt is inspected, or offered for inspection, pay on demand, to the salt inspector or the deputy of the district where the salt is inspected, three mills for each two hundred eighty pounds of salt inspected or offered for inspection: *Provided*, That the same may be required by the inspector to be paid in advance: *And provided further*, That but one inspection fee shall be paid upon the same salt. In case any person, firm, company, or corporation shall neglect or refuse to pay such inspection fees on demand at his, their, or its office, manufactory, or mine, the party so refusing, shall be liable in an action therefor, in the name of the inspector, and the certificate of inspection, with the proof of the signature of the inspector or deputy inspector, giving the same, shall be prima facie proof of the liability and the extent of liability of the party so in default; and it shall be lawful for the inspector and his deputy to refuse to inspect salt manufactured at the works, manufactory, or mine so in default, until the amount due is paid. All money received by or paid to any deputy inspector, under this section, shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company, and corporation engaged in the production of salt,

and all other things appertaining to the duties of the office, and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, and shall be handed over to his successor in office, together with all the money and effects appertaining to said office.—*C. L. 1871, 1462. Am. 1875, p. 124; app. Apr. 16, Act 86. Am. 1877, p. 71; app. May 3, Act 90. Am. 1879, p. 256; app. May 31; eff. Aug. 30, Act 249. How. 1498. Am. June 20, 1905. Public Acts 1905 (No. 323), p. 501.*

4916. (6) *Inspector's oath and bond.* The inspector shall, before entering upon the duties of his office, take the oath prescribed by the constitution of this state, which oath shall be filed in the office of the secretary of state. He shall execute a bond to the people of this state in the penal sum of seven thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall have at least two sureties, and shall be subject to the approval of the state treasurer; and when approved shall be by such treasurer filed and deposited in his office; and the inspector shall renew his bond every year. Any person or corporation injured by the neglect or default of such inspector, or by his misfeasance in office, or by the neglect, default or malfeasance [misfeasance] of any of his deputies, may maintain an action on such bond in the name of the people, for the use of the party prosecuting, and shall be entitled to recover the full amount of damages sustained.—*C. L. 1871, 1463. Am. 1879, p. 257; app. May 31; eff. Aug. 30, Act 249. How. 1499.*

4917. (7) *Deputies' oath and bond.* Each of the deputies appointed by the inspector shall take the oath of office prescribed by the constitution, and shall give bond to the inspector in such sum, and with such sureties as he may approve, conditioned for the faithful performance of his duties as such deputy; and in case said inspector shall be obliged to pay any sum for the neglect or default, or misfeasance of any deputy, he may recover of such deputy, and his sureties on such bond, the amount he was obliged to pay, with accruing costs.—*C. L. 1871, 1464. How. 1500.*

4918. (8) *Office and open records of inspector.* The inspector shall keep a principal office in some one of the principal salt producing districts of this State, and the deputy inspector for the district, in which such office is located may occupy the same office. Such office shall be open at all times during business hours. All the books, records and accounts shall be kept in such office, and each deputy inspector shall, at least once in each month, make a written report, by mail or otherwise, to the inspector, of salt inspected by him, during the month, stating for whom, and the quality and quantity thereof. Abstracts of these reports shall be entered in books for that purpose. Said inspector shall, in proper books, keep a complete record and account of all his transactions, and such books shall also be open for the examination of all persons wishing to examine same during office hours.—*C. L. 1871, 1465. Am. 1875, p. 124; app. Apr. 16, Act 86. How. 1501. Am. 1887, p. 224; app. June 21; eff. Sept. 28, Act 203. Am. June 20, 1905. Public Acts 1905 (No. 323), p. 502.*

4919. (9) *Inspector must not deal in salt.* The inspector shall not be in any way concerned in the manufacture or selling of salt, or have any interest whatever, directly or indirectly, in any salt manufactory, or erection for manufacturing salt in the State of Michigan, or in the profits of any such manufactory.—*C. L. '71, 1466; How. 1502.*

4920. (10) *Daily inspection of manufactories by deputies.* It shall be the duty of the deputy, in each district, to visit, once in each day, Sundays excepted, each salt manufactory in his district, when in operation, and to ascertain if there be therein any salt of bad quality, and such as ought not to pass inspection.—*C. L. '71, 1467; How. 1503.*

4921. (11) *Inspection of manufactories by inspector.* It shall be the duty of the inspector to visit the manufactories in which salt is made, that may be in operation in the different districts, as often as practicable.—*C. L. '71, 1468; How. 1504.*

4922. (12) *Character of inspection.* The inspector or deputy, at each visit, as provided in this act, shall carefully examine the salt in the bins, and the brine in kettles, or pans, or vats in which the salt is manufactured; if the salt in the bins, or any part

thereof is of bad quality, and such as ought not to pass inspection, or if the brine in the kettles, or pans, or graining-vats have not been cleansed, he will direct and see that the owner, or occupant, or boiler, or other person having charge of the manufactory, remove the bad salt from the bin and place it with second quality salt, or throw it among the bitterns, as the inspector or deputy may direct, and the impure brine in the kettles, or pans, or graining-vats be thrown out, and new brine substituted.—*C. L. '71, 1469; How. 1505.*

4923. (13) *Penalty for using lime or lime water.* No lime or lime-water shall be used by any person in the manufacture of salt, in the kettles, or pans, or graining-vats used for manufacturing, under a penalty of twenty-five dollars and costs for each offense, to be sued for in the name of the people of this state: *Provided*, That iron vessels used in the manufacture of salt may be whitewashed, when cool, to prevent the accumulation of rust.—*C. L. '71, 1470; How. 1506.*

4924. (14) *Application for inspector.* Every person desiring to have salt inspected, shall apply to the inspector or deputy inspector of the district where the same shall be, which inspector or deputy inspector shall thereupon actually examine the salt so offered for inspection, in the package in which the same may then be.—*C. L. '71, 1471; How. 1507.*

4925. (15) *Packages to be opened for inspection.* To facilitate such examination, it shall be the duty of the person or company offering the salt for inspection, to unhead or bore the barrel, or to open the bag or other package in which the salt is contained, as may be directed by the inspector or deputy inspector, so as to expose the salt to his touch, view, and examination.—*C. L. '71, 1472; How. 1508.*

4926. (16) *Good salt defined.* The inspector, or deputy inspector shall not pass any salt as good, unless he shall find it to be well made, free from dirt, filth and stones, and from admixture of lime, or ashes of wood, and of any other substance which is injurious to salt, fully drained from pickle, the bitterns properly extracted therefrom, and manufactured as directed by this act, and by the rules and regulations of the inspector.—*C. L. '71, 1473; How. 1509.*

4927. (17) *Necessary help and branding material to be furnished owner of salt.* The person or company offering the same for inspection, shall in all cases provide the necessary force to lift the salt while the inspector or deputy weighs or measures it, and shall also furnish the necessary help and material to brand the salt for and under the direction of the inspector or deputy inspector.—*C. L. '71, 1474; How. 1510.*

4928. (18) *Manufacturer to provide scales.* Each manufacturer shall provide a scale or balance at his works, to be examined from time to time, and approved by the inspector, in which all the salt offered for inspection at his works may be weighed.—*C. L. '71, 1475; How. 1511.*

4929. (19) *Inspector's certificate and brand.* Each inspector or deputy shall deliver to the party for whom he shall inspect salt, a certificate of the quantity and quality inspected, and shall thereupon direct the employés of the manufacturer to brand and mark, under his personal supervision, with durable paint, the package containing the salt so inspected, with the surname of the inspector at length, and the initials of his christian name, with the addition of the word "inspector," in letters at least one inch in length, and shall also cause to be marked or branded by the employés of the manufacturer upon the head of the barrel, cask, or package, the weight prescribed for such barrel, cask, or package by the inspector, when such weights are in conformity to the rules and regulations prescribed by the inspector in that regard; and if such weights do not correspond to the rules and regulations he shall cause the same to be repacked so as to conform thereto.—*C. L. '71, 1476. Am. 1875, p. 125; app. Apr. 16, Act 86; How. 1512.*

4930. (20) *Construction of barrels.* If the said salt shall be put up in barrels it shall not be marked unless the barrels are thoroughly seasoned, stout, and well made,

with such number of hoops as shall be prescribed by the inspector, to be well nailed and secured.—*C. L. '71, 1477. Am. 1873, p. 58; app. Mar. 28, Act 56; How. 1513.*

4931. (21) *Penalty for counterfeiting marks or brands.* Every person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the false or fraudulent making or counterfeiting the mark or brand of any inspector or deputy inspector, on any package containing salt, shall be deemed guilty of felony, and on conviction thereof, shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the State prison for a term not less than one nor more than six years, or both, in the discretion of the court.—*C. L. '71, 1478. How. 1514.*

4932. (22) *Drainage of salt before packing; inspection.* No manufacturer or other person shall pack, or cause to be packed, or sell, or offer for sale in barrels, casks, boxes, sacks, or in bulk, any salt, until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle, and otherwise fit to pack. All salt shall stand in the boxes at least twenty days before packing, and the time will be taken to commence from the last discharge of wet salt into the bins; nor will the packing of any such salt be allowed until the same has been declared fit for that purpose upon an actual examination by the inspector or his deputy, and the packing of any salt without express permission, although twenty days may have elapsed, shall not be allowed.—*C. L. '71, 1479. How. 1515; Am. 1883, p. 162; app. June 5; eff. Sept. 8; Act 150.*

4933. (23) *Inspection of salt bins as to packing.* The inspector and his deputies, in their daily examination of the several salt manufactories, shall examine all bins of salt for the purpose of ascertaining whether any salt is packed contrary to the provisions of the foregoing section.—*C. L. '71, 1480. Am. 1875, p. 125; app. Apr. 16; Act 86; How. 1516.*

4934. (24) *Penalty for packing before inspection.* If any manufacturer or other person shall pack any salt before the inspector or one of his deputies shall have determined that it is fit for packing, he shall forfeit the sum of twenty-five cents for every bushel of salt so packed.—*C. L. '71, 1481; How. 1517.*

4935. (25) *Fine for packing uninspected salt in branded casks.* Barrels, casks or sacks in which salt shall have been packed and inspected, shall not again be used for the packing of salt therein, until the mark or brands made by the inspector shall be first cut out or removed; and if any person shall pack, or cause to be packed, or shall aid or assist in packing any uninspected salt in any such barrels, casks, or sacks, without first cutting out or removing such marks or brands, he shall forfeit, for every bushel of salt so packed, the sum of one dollar.—*C. L. '71, 1482. How. 1518.*

4936. (26) *Manufacturer's name to be branded on casks of first class salt.* It shall be the duty of every manufacturer to brand or mark, with durable paint, every cask or barrel of salt manufactured by him, with the surname at full length of the proprietor or owner of the manufactory at which the same shall have been made, and the initial letters of his christian name, and if the same shall have been manufactured for a company, or association of individuals, he shall mark or brand, in like manner, upon every such cask or barrel, the name by which the company is usually called: *Provided*, That no second quality salt shall be so marked.—*C. L. '71, 1483. How. 1519.*

4937. (27) *Inspector's brand must not be affixed before the manufacturer's brand.* No inspector or deputy inspector shall inspect or pass any barrel, cask, box, or sack of salt which shall not be marked or branded in the manner prescribed in the last section, and the inspector or deputy shall not affix his brand to any barrel of salt which shall not have been so branded by the manufacturer offering the same for inspection: *Provided*, That none of the provisions of this section shall apply to second quality salt: *And provided further*, That the inspector may, by regulations prescribed by him, provide that both the brand of the manufacturer and that of the inspector shall be put upon each package at the same time.—*C. L. '71, 1484. How. 1520.*

4938. (28) *Branding of "second quality" salt.* Salt of an inferior quality—dirty, damaged or condemned—may be sold loose, or in bulk, by the manufacturer thereof, at the works, the inspector making bills of the same, designating the quantity by weight, as in ordinary cases, and distinguishing the same as "second quality;" or, such inferior salt may be packed in boxes, barrels, casks or sacks, and branded by the inspector with the words "second quality salt," in plain letters not less than one inch in length, and such inspector shall add the initials of his name, and no other or different brand shall be placed thereon; and said second quality salt, subject to the provisions of this section, may be sold or exported by the owner as such.—C. L. '71, 1485. How. 1521.

4939. (29) *Penalty for forging manufacturer's brand.* Every person who shall forge or counterfeit the name so required to be put on by the manufacturer, or shall cause, or procure to be put on any barrel or cask in which salt shall be packed, the name of any person other than that which properly should be placed thereon according to the provisions of this act, shall, for every such barrel, cask or sack, forfeit the sum of one hundred dollars, and shall also be liable for all damages to the party aggrieved.—C. L. '71, 1486. How. 1522.

4940. (30) *Inspector to specify quantity of salt in packages.* The inspector shall, by regulation from time to time, specify the quantity of salt that shall be contained in bags or other packages which shall be offered for inspection. And it shall not be lawful for him to authorize the inspector's brand to be placed upon any package that does not correspond with said regulation.—C. L. '71, 1487. How. 1523.

4941. (31) *Brands for ground salt.* The inspector shall, by regulation, require that all ground salt manufactured and put up for market, shall be legibly marked on each keg, box, sack, bag, or other package containing the same, with the words "ground solar," or "ground boiled," or "ground steam," or "ground Chapin," as the fact may be. Such marking to be done in letters not less than an inch in length.—C. L. '71, 1488. How. 1524.

4942. (32) *Penalty for betrayal of trust by inspector.* If the inspector shall consent to, connive at, aid or abet the smuggling of salt, or the transportation of the same away, so as to evade the inspection thereof, or shall accept of any bribe, or sum of money, or any gift, or reward whatsoever, upon any express, or secret or implied trust, or confidence that he shall connive at, or consent to any evasion of the laws for the inspection of salt, such inspector shall forfeit his office, and pay to the use of the people of this state the sum of one thousand dollars.—C. L. '71, 1489. How. 1525.

4943. (33) *Betrayal of trust by deputy inspector.* If any deputy inspector shall be guilty of the offenses specified in the last section, or any of them, the inspector appointing such deputy shall forfeit to the use of the people of this state the sum of two hundred and fifty dollars, for the recovery of which his bond shall be put in suit.—C. L. '71, 1490. How. 1526.

4944. (34) *Inspectors exempt from jury service.* The inspector and each of his deputies shall be exempt from serving on juries, and from all military service, except in case of actual invasion or insurrection; and the commission or appointment in writing of any such officer or deputy shall be evidence of the facts stated therein.—C. L. '71, 1491. How. 1527.

4945. (35) *Power of inspector to make regulations.* The inspector shall have power from time to time, to make and ordain such necessary rules and regulations as he may deem expedient, concerning:

First, The manufacturing and inspection of salt not inconsistent with the provisions of this act;

Second, The daily examination, and reporting by his deputies, of the operation and extent of the several salt manufactories, so as to determine whether the quantity of salt inspected at each manufactory, is equal to the quantity actually manufactured thereat;

Third, The districting of the salt-making territory in this state, and the duties of his deputies under this act, and he may alter and revoke such rules and regulations at his pleasure.—*C. L. '71, 1492. How. 1528.*

4946. (36) *Penalties fixed by inspector; publication of rules.* The inspector shall have power to annex penalties, not exceeding ten dollars in any case, to the violation of such rules and regulations; such rules and regulations shall be printed and posted up in the office of the inspector, and in each manufactory, and published at least once in some newspaper in each county where salt is manufactured, and shall, after they have been posted and published as aforesaid for one week, be binding upon all persons concerned.—*C. L. '71, 1493. How. 1529.*

4947. (37) *Inspection to be made within 12 hours after demand; penalty for delay.* It shall be the duty of the inspector and his deputies, upon being applied to by any manufacturer to inspect salt in his district, to inspect the same forthwith; and in no case shall the inspector, or any deputy, delay the inspection of salt beyond twelve hours of daylight, excluding Sundays, after such application, unless such manufacturer shall consent to the delay. For a violation of this section by the inspector, or any one of his deputies, the inspector and his sureties shall be liable to the party aggrieved in the sum of fifty dollars over and beyond all actual damages sustained.—*C. L. '71, 1494. How. 1530.*

4948. (38) *Sale of bitterns.* Nothing contained in this act shall be construed so as to prevent the sale or exportation of the bitterns from any manufactory of salt, such bitterns to be sold or exported in bulk, or if in casks or barrels, to be branded as bitterns, and sold or exported as such.—*C. L. '71, 1495. How. 1531.*

4949. (39) *Inspector's successor.* In case of any vacancy from any cause, in the office of the inspector, the deputy who has been longest continuously in office shall possess the powers and perform the duties of inspector until such vacancy shall be filled; and the bond of the inspector and his sureties shall continue to be liable for the acts of all the deputies until such vacancy shall be filled.—*C. L. '71, 1496. Am. 1875, p. 125; app. Apr. 16; Act 86. How. 1532.*

4950. (40) *Inspector's report.* The inspector shall annually, in the month of December, and on or before the fifteenth day thereof, make a report to the governor of this state, which shall contain:

First, The number of districts into which the salt-producing territory of the state may then be divided, with the name and locality of each, and the number and capacity of the works of each district;

Second, The quantity and quality of salt inspected in each district during the preceding year;

Third, The amount received, and expenses incurred under this act for the preceding year, in detail;

Fourth, Such suggestions and recommendations as he may think proper to make concerning the manufacture of salt, and the operation of the inspection laws upon the same, and as to what further legislation upon the subject, if any, would be advisable. A copy of such report shall be published immediately after its date, in some newspaper in the Saginaw valley.—*C. L. '71, 1497. How. 1533.*

4951. (41) *Grades of "fine" salt and "second quality."* The inspector shall establish a grade of "fine" salt, the grain of which shall be at least as fine as the average grain of salt made in kettles. He shall cause the word "fine" to be marked on the packages containing such salt, in large letters, and the word "fine", with or without qualification, shall not, under any circumstances, be placed on salt of coarse grain; but all other grades shall be designated on the packages by some truly descriptive mark or brand, and the inspector may mark salt "second quality," for imperfect grain, as well as for any other defect.—*C. L. '71, 1498. How. 1534.*

4952. (42) *Sale of salt in bulk; private brands.* Nothing in this act contained shall be construed to prevent the sale or shipment of salt in bulk, after the same shall have

been duly inspected, and a certificate thereof given by said inspector, or any deputy; and nothing in this act shall be construed to prevent manufacturers from putting such private trade-mark or brand on their salt as they may see fit: Provided, It contains no untruth, or statement calculated or intended to deceive the purchaser.—*C. L. '71, 1499. How. 1535.*

4953. (430) *Disposal of surplus funds.* In case the inspector shall, at the time of making any annual report, have a surplus of money arising from the inspection fees in this act provided for, in his hands, he shall apportion back and pay such surplus to the persons, firms or corporations for whom salt has been inspected during the last preceding year in proportion to the amounts paid by them respectively for inspection fees: *Provided*, That in no case shall the state be held liable for any obligation or expenditure in consequence of any of the provisions of this act.—*C. L. '71, 1500. Am. 1875, p. 125; app. Apr. 16; Act 86. How. 1536.*

Compiled Laws 1897, vol. 2, ch. 125, pp. 1561-1569.

SYRUP.^a

SEC. 1. *Labels required; style prescribed.* No person shall offer or expose for sale, have in his possession with intent to sell, or sell, any cane syrup, beet syrup, or glucose, unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled with the true and appropriate name; nor shall any person offer or expose for sale, have in his possession with intent to sell, or sell any cane syrup or beet syrup mixed with glucose unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled "Glucose Mixture" or "Corn Syrup" in plain Gothic type not less than three-eighths of an inch square, with the name and percentage by weight of each ingredient contained therein plainly stamped, branded or stenciled on each package in plain Gothic letters not less than one quarter of an inch square. Each and every package of syrup either simple or mixed shall bear the name and address of the manufacturer. Such mixtures or syrups shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and that the general or distinguishing label shall be that principal and conspicuous sign under which it is sold.

SEC. 2. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 15, 1903. Public Acts 1903, Act No. 123, p. 146.

VINEGAR.

5003. (1) *Pure vinegar defined.* No person shall manufacture for sale, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider vinegar, which is not the legitimate product of pure apple juice, known as apple cider or vinegar, not made exclusively of said apple cider or vinegar into which foreign substance, drugs or acids have been introduced,

^aSee also General Food Laws, sec. 5024, p. 276.

as may appear upon proper test, and upon said test, shall contain not less than one and three-fourths per cent, by weight, of cider vinegar solids upon full evaporation at the temperature of boiling water.

5004. (2) "*Fermented*" or "*distilled*" vinegar to be so branded; standard for fermented vinegar. All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor, shall be branded "distilled vinegar," and all of such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And all fermented vinegar not distilled shall contain not less than one and three-fourths per cent, by weight, upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid.

5005. (3) *Injurious vinegar prohibited; branding.* No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be marked, stenciled or branded on the head of the cask, barrel or keg containing such vinegar with the name and residence of the manufacturer, together with brand required in section two hereof.

5006. (4) *Penalty.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned in the county jail not to exceed ninety days and the costs of prosecution, or by both such fine and imprisonment in the discretion of the court.

Approved, April 16, 1897. Compiled Laws 1897, vol. 2, p. 1583.

DIGEST AND RULINGS.

BAKING POWDERS.—All packages containing same must bear name and address of the manufacturer. Can be sold without formula, but if labeled cream of tartar, phosphate powder, etc., must be true to name.

BUCKWHEAT FLOUR.—If labeled "Buckwheat Flour" must be true to name. Can be mixed with substances not injurious to health if labeled, "Buckwheat Flour Compound," "Buckwheat Flour Substitute," or "Adulterated Buckwheat Flour," in letters not less than one inch in length, followed by the name and address of the maker. Buckwheat Flour containing no other ingredients but for leavening and seasoning purposes may be sold if labeled, "Selfrising Buckwheat Flour."

BUTTER.—Must be made exclusively of milk or cream. May be colored with coloring matter not injurious to health. Butter factories where milk or cream is purchased of or contributed by three or more persons must register with the Department on or before April 1 of each year.

Process butter must be labeled as such. See ruling under head of Process Butter.

CANDY.—Must not contain terra alba, barytes, talc, or other earthy or mineral substances, or any poisonous colors or flavors, or ingredients detrimental to health.

CATSUP.—All packages containing same must bear the name and address of the manufacturer. Must contain no ingredients injurious to health.

CHEESE.—Must be made exclusively of milk or cream. Only cheese made from milk from which no cream has been taken can be sold as or branded, "Full Cream Cheese," or "Full Milk Cheese." Cheese factories where milk or cream is pur-

chased of or contributed by three or more persons must register with the Department on or before April 1, of each year. Authorized brands bearing the words, "Michigan Full Cream Cheese," may be obtained from the Department upon payment of fee of one dollar.

COFFEE.—If sold as such must be true to name. May be mixed with chicory, or other substances not injurious to health, if marked or labeled "Coffee Compound," together with the name and address of the manufacturer or compounder, and have no other label of whatever name or designation. This applies to all packages containing such coffee whether put up for immediate delivery or for stock purposes.

COFFEE SUBSTITUTE.—Mixtures of cereals or other articles sold as substitute for coffee, must be sold as a mixture or compound under an original or coin name and not under the name of any ingredient contained therein. All packages containing same must bear the name and address of the manufacturer or compounder thereof.

CHOCOLATES AND COCOAS.—If containing no other substances than cocoa mass, sugar and flavoring will not be classed as a compound or mixture.

CANNED GOODS.—Must bear name and address of packer. If dried before canning must be labeled, "Soaked or Bleached Goods," in letters not less than two line pica in size. The sale of peas or other vegetables greened with copper is prohibited.

CREAM OF TARTAR.—Must be pure and true to name. Cannot be mixed or compounded with any other article and sold under the name of any ingredient thereof, even though it be labeled mixture or compound.

EXTRACTS, FLAVORING.—Bottles or packages containing extracts must bear the name and address of the manufacturer. Vanilla flavoring must be without artificial color. This includes all extracts of vanilla or tonka, whether mixed or simple.

Extracts of vanilla and tonka may be mixed and sold as "Extract of Vanilla and Tonka," or simply "Extract of Tonka." The labeling of an extract of vanilla and tonka as "Extract of Vanilla," or "Compound Extract of Vanilla," with the per cent of each ingredient contained therein, is not proper, and will be considered an adulteration. It must be understood that when an extract of vanilla and tonka is labeled with both names, the type used is to be similar in style and size, and that one name is not to be given greater prominence than another.

FARINACEOUS GOODS.—Must be true to name. Barley, Hominy, Cracked or Rolled Wheat or Oats, Tapioca, and like articles, must be pure and unadulterated. If mixed or compounded with other articles, must be sold as a mixture or compound, under an original or coin name, and not under the name of any ingredient contained therein. All packages containing mixtures or compounds of this kind must bear the name and address of the manufacturer or compounder thereof.

HONEY.—Honey must be pure. Cannot be mixed with glucose or other substances and sold as "Honey Compound."

JELLY.—Imitation fruit jellies, butter or other similar compounds made or composed in whole or in part of glucose, dextrine, starch or other substances can be sold if uncolored, are not injurious, and are distinctly and durably labeled "Imitation Fruit Jelly or Butter," with the name and location of manufacturer, and have no other label of whatever name.

LARD.—Imitation lard in manufacturers' package must be distinctly branded or labeled either "Lard Compound," "Adulterated Lard," or "Lard Substitute," in letters not less than one inch in length, and shall be followed with the name of the maker and factory, and the location of such factory. If kept or sold in other than manufacturers' package, the name of maker or factory is not necessary, but each and every package must be distinctly labeled "Lard Compound," "Adulterated Lard," or "Lard Substitute," printed in letters not less than one-half inch in length. This also applies to smaller quantities when put up for immediate delivery.

LIQUORS.—Spirituos, fermented, or malt liquors must not contain drugs or poisons or ingredients deleterious or unhealthy. Persons engaged in manufacturing, rectify-

ing or preparing same in any way must brand on each barrel, cask, or vessel containing the same, the name of the person, firm or corporation manufacturing, rectifying or preparing the same, and also the words, "Pure and Without Drugs or Poison." No person shall sell at wholesale or retail any such liquors from any barrel, cask or vessel, unless the same shall have been branded and marked as aforesaid.

MAPLE SUGAR AND MAPLE SYRUP.—Must be pure and true to name. Cannot be mixed with other sugar or syrup and sold as "Maple Sugar Compound" or "Maple Syrup Compound."

MILK.—Must contain not less than 3 per cent fat and $12\frac{1}{2}$ per cent solids. Milk from which cream has been removed must be labeled and sold as "Skim Milk." The sale of milk which is impure, unwholesome or adulterated, or from cows which are diseased, or fed upon the refuse of a distillery or brewery, or upon any substance deleterious to the quality of the milk, such as garbage, swill, or any substance in a state of fermentation or putrefaction, or from cows kept in connection with a family in which there is infectious disease, is prohibited. The addition of coloring matter or preservatives to milk is prohibited.

MOLASSES.—Must be branded with its true and appropriate name and must be true to same. (See Syrup.)

OLEOMARGARINE.—All compounds of animal or vegetable fats made in imitation or semblance of butter, or calculated to be used as or for butter, must be known and designated as "Oleomargarine."

The use of the name of any breed of dairy cattle, or the use of any words or symbols commonly used in the sale of butter, is forbidden in the sale, exposure for sale or advertisement of any oleomargarine.

Proprietors of any place where oleomargarine is sold or furnished must have conspicuously placed on the walls of the room where the same is sold or furnished, a white placard containing the words "Oleomargarine Sold or Used Here" printed in black ink in plain Roman letters not less than three inches in length or less than two inches in width. This applies to hotel, restaurant and boarding house keepers where oleomargarine is served.

All packages containing oleomargarine must be branded as such in ordinary bold-faced capital letters not less than five line pica in size, together with the name and address of the manufacturer and the name of each and every article or ingredient used or entering into its composition in ordinary bold-faced letters not less than pica in size.

Dealers must notify purchasers at the time of selling oleomargarine by verbal notice that the same is a substitute for butter, and must *also* deliver to the purchaser a separate and distinct label on which shall be printed in black ink in ordinary bold faced capital letters, not less than five line pica in size, the word "Oleomargarine," together with the name and address of the manufacturer and the name of each article used and entering into its composition in ordinary bold-faced letters not less than pica in size.

Oleomargarine must not be in imitation of yellow butter.

PANCAKE FLOURS.—If containing more than one article must be sold as a mixture or compound under an original or coin name, and not under the name of any ingredient contained therein. Packages containing same must bear the name and address of the manufacturer or compounder.

PEPPER.—All black pepper shall contain not more than six and one-half per cent ash or mineral matter, and shall contain not less than twenty-five per cent starch as determined by the diastase method; and shall contain not less than six-tenths of one per cent nor more than one and three-fourths per cent of volatile ether extract; and shall contain not more than ten per cent nor less than six and one-half per cent of non-volatile ether extract; and shall contain not more than sixteen per cent of crude fiber.

PREPARED MUSTARD.—Pure mustard mixed with vinegar and spices may be sold if labeled "Prepared Mustard" and bear the name and address of the manufacturer, but if any substance or substances are added to cheapen it, such as flour, etc., it will be deemed adulterated. The label proper must contain the words "Prepared Mustard," and have no other designation than herein required. Printed matter descriptive of the goods will be allowed upon the label below the words "Prepared Mustard," or below the name and address of the manufacturer, but no printed matter of any description will be allowed above the name "Prepared Mustard."

PROCESS BUTTER.—All packages containing same sold, offered or exposed for sale, or in possession with intent to sell, must be labeled "Process Butter."

Packages put up for immediate delivery must be covered by wrappers on which must be printed in conspicuous letters the words "Process Butter."

If packed in tubs or other receptacle the words "Process Butter" must be printed in one-inch letters on the top and two sides of the same.

If uncovered and not contained in a tub or receptacle a placard containing the words "Process Butter" must be attached to the mass, in a manner making them plain and prominent.

SYRUPS.—Each barrel, cask, can, keg or pail containing molasses, syrup or glucose shall be distinctly branded or labeled with the true and appropriate name of such article. Packages containing molasses or syrup mixed with glucose shall be branded or labeled "Glucose Mixture" and the per cent in which glucose enters into its composition. All brands or labels shall be in letters of not less than one-half inch in length and shall be in a conspicuous place. Glucose and glucose mixtures shall have no other designation than herein required. Glucose mixtures must bear the name and address of the manufacturer.

SPICES.—Must be pure and true to name. Cannot be mixed or compounded with any other article and sold under the name of any ingredient thereof, even though the package be labeled mixture or compound.

VINEGARS.—All packages containing vinegar must be branded with the name and address of the manufacturer. All vinegars must contain not less than four per cent by weight of absolute acetic acid and must not contain any preparation of lead, copper, sulphuric acid, or ingredient injurious to health. All vinegars made by fermentation and oxidation must be branded "fermented vinegar," with the name of the fruit or substance from which the same is made, must be free from foreign substance and must contain not less than one and three-fourths per cent by weight of solids contained in the fruit or grain from which said vinegar is fermented, and not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor must be branded "distilled vinegar," and must be free from artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, drugs, or acids, and containing not less than one and three-fourths per cent by weight of cider vinegar solids, can be sold as apple, orchard or cider vinegar.

MINNESOTA.

The State dairy and food department is charged with the enforcement of the food laws. The dairy and food commissioner, E. K. Slater, writes as follows in regard to the efficiency of the laws:

The efficiency of the Minnesota food laws is well established. The new code of laws which takes effect March 1, 1906, is a codification of all existing laws, and I anticipate that they will be very effective * * * Under the present liquor law considerable improvement has been brought about in the quality of the goods sold in this State, but the law needs further strengthening. It simply provides for the prohibition of certain poisonous or injurious ingredients and no standard has been provided for quality. With the exception of the liquor law I feel that the pure food laws of this State are very effective.

The following compilation has been furnished by the Minnesota dairy and food department, having been issued by that department in advance of the revised code for 1905, now in preparation.^a The status of this compilation, as reported by the department, is that these laws were approved April 18, 1905, to take effect March 1, 1906, and the revised code in which they will be found is now in press.

GENERAL FOOD LAWS.

SEC. 1. *Dairy and food commissioner.* The governor shall appoint a Dairy and Food Commissioner whose term of office shall extend to the first Monday in January of the odd numbered year next after his appointment and until his successor qualifies; but the governor may supercede such commissioner at pleasure. He shall cause to be enforced all the provisions of this chapter and all other laws designed to prevent fraud and deception in the manufacture and sale of human food and drink and the several ingredients thereof, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food products. All appointees hereunder shall be qualified electors of this state. The commissioner shall be a practical dairyman; the assistant commissioner, chemists, inspectors and all agents and other persons appointed by the commissioner shall be practical men and especially trained and equipped for their particular lines of work. He shall report on or before the fifteenth day of each session of the legislature concerning his official acts showing receipts and disbursements of his office, and may issue public bulletins of information from time to time.

SEC. 2. *Salaries and expenses.* He shall receive a salary of \$2,000 per annum and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. He may appoint an assistant commissioner at a salary of \$1,500 per annum; a secretary at a salary of \$1,200 per annum; one chief chemist at a salary of \$1,500 per annum; and when needed an assistant chemist or chemists, each at a salary not

^a The linseed oil law and paint law have been omitted—not coming within the scope of this report.

to exceed \$100 per month; and such number of inspectors as may be necessary at not to exceed one hundred dollars per month. The expenses necessarily incurred by such subordinates shall be allowed and paid in addition to salary. He may employ necessary legal counsel. The expenses properly incurred by him and his appointees shall be paid by warrant of the state auditor upon itemized accounts thereof approved by him or his assistant. The total expenses of the office, including salaries and compensation of all employes, shall not exceed in any fiscal year the appropriation made therefor plus the amount allowed by law to the commissioner for moneys received from licenses, fines and articles confiscated and sold under this chapter.

SEC. 3. *Right of inspection.* For obtaining information regarding suspected violations of law, the commissioner and his employes shall have access to all places where any article of food or other article, the manufacture or sale of which is restricted, regulated or prohibited by this chapter, is or may be manufactured, prepared, stored, kept for sale or sold, or where cows or other animals are pastured or stabled; to cars or other carriages used for transportation of such articles or animals and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public or distributed as a part of the compensation of servants and agents, including public and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats and other places where any of said articles may be sold and they may inspect any package or receptacle found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture, or sale of which is restricted, regulated or forbidden by this chapter, and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

SEC. 4. *Office; reports.* Rooms shall be provided in the capitol for the office and laboratory of the commissioner. He may require reports from persons engaged in the manufacture or sale of dairy products, and all owners or operators of creameries and cheese factories shall on the first day of March in each year, and at such other times as he may fix, send to him a full and accurate report of the amount of business done during the year preceding, together with such other statistical information as he may require.

SEC. 5. *Definitions; evidence of intent.* The word "person" as used in this chapter, shall be construed as including a copartnership, association, or corporation, and no person who shall commit or assist in committing any offense herein defined shall be exempt from punishment therefor for the reason that he acted as the agent, employe or representative of another. The words "sell" and "sale," as used herein shall be construed as including the offering or exposing for sale or exchange of the prohibited article, the having of any such article in possession with intent to sell or exchange the same, and the storing, carrying, or handling thereof in aid of traffic therein, whether done or permitted in person or through others. The term "food" shall be construed as including all articles single, mixed or compound and howsoever prepared which are used, or designed or offered for use by man, for, or in food, drink or condiment. The having in possession of any article, the sale or use of which is prohibited by this chapter shall be deemed prima facie evidence of intent to sell or use the same in violation of law.

Revised Code, 1905, ch. 21 (in preparation).

SEC. 1. *Right of inspection and analysis.* For the proper enforcement of the laws of this state, already or hereafter enacted, which may be designed to prevent, regulate or punish the sale or use of commodities for human consumption which are deleterious to health and not true in name, the dairy and food commissioner, by himself, or employes of his department in addition to having the authority and powers otherwise conferred by law is authorized and empowered to have and take access to

any and all railroad cars of every sort or nature transported or being within this state, all railroad stations, storage houses, warehouses or express offices, or other places wherein there may at any time be commodities shipped within this state from without designed for human consumption whether such commodities have been sold or given away without the state, *provided* such sale or gift was or is with the intent that such commodities be delivered, had or used within the state, and the dairy and food commissioner by himself or the employes of his department shall have the same power and authority to open any package, can or vessel, so shipped within this state from without, which contains or which he has reason to believe contains any such commodity to inspect the contents thereof and to take samples therefrom for analysis, all after the same manner and with the same procedure as obtains by law in reference to similar commodities manufactured, sold or exposed for sale within the state. If it shall appear that any such commodity or commodities so shipped within this state from without is of a character or composition, the manufacture, sale or exposing for sale of which within the state is forbidden by any laws then in force as deleterious to health and not true in name, the dairy and food commissioner shall have the same rights and remedies, and shall enforce such rights and remedies against such commodity or commodities in the same manner as in the cases of similar commodities when manufactured, sold or exposed for sale within the state. On receiving notice from the commissioner, or any authorized employe of his department that he desires to inspect the contents of any such package, can or vessel, containing, as he believes, any such commodity, it shall be the duty of any common carrier, or warehouseman or their employes, or other person having the same in his possession, or under his control to withhold the same from delivery within this state such time as may be reasonably necessary for the inspection and analysis thereof. It is further made the duty of all common carriers and warehousemen and employes thereof to render the commissioner and his employes all the assistance in their power when so required to effectuate the purpose of this act. In case such inspection or analysis of any such commodity shall disclose therein ingredients deleterious to health and not true in name, as defined by any law of this state, such common carrier or warehousemen, or employes thereof, shall on demand disclose to the commissioner the names and addresses of the consignor and consignee of the package, can or vessel containing the same and the commissioner shall, before proceeding further, as against such commodity, notify such consignor or consignee in writing at their respective addresses as so disclosed of the results of such inspection and analysis. Any failure on the part of any common carrier, warehouseman, storage man, or employe thereof, to do or observe the provisions hereof shall be a misdemeanor.

SEC. 2. *Effect.* This act shall take effect and be in force from and after its passage and approval.

Approved April 12, 1905. General Laws 1905, ch. 158, pp. 192-193.

SEC. 7. *Adulteration or imitation of foods forbidden; penalty.* Every person who, with intent that the same may be sold as unadulterated or undiluted, shall adulterate or dilute wine, milk, distilled spirits, or malt liquors, or any drug, medicine, food, or drink for man or beast; or shall offer for sale or sell the same as unadulterated or undiluted, or without disclosing to or informing the purchaser that the same has been adulterated or diluted; or shall manufacture, sell, expose, or offer for sale, as such article of food or drink, any substance in imitation thereof, without disclosing the imitation by a suitable and plainly visibly mark or brand; or with intent that the same may be used as food, drink, or medicine, shall sell, offer or expose for sale, any article whatsoever which to his knowledge has become spoiled, tainted, or for any cause unfit to be used as food, drink, or medicine, where special provision has not otherwise been made by statute for its punishment, shall be guilty of a misdemeanor, and punished by a fine of not less than \$25, or by imprisonment in the

county jail for not less than 30 days.—*Statutes 1894, secs. 6625, 6626, 6641; Laws of 1901, ch. 117.*

SEC. 37. *General tests for adulteration.* Any article, designed or offered for sale or use as food, which is not expressly included within the terms of any other section of this chapter, shall for the purposes herein, be subjected to the tests for adulteration prescribed for spices and condiments in section twenty-nine of this chapter;^a and if such article or preparation be adulterated as therein defined; it shall be unlawful to sell the same.

SEC. 38. *Injurious or tainted foods prohibited.* The manufacture or sale of any article, designed or offered for sale or use as food, is prohibited, if it contain or is mixed with, or by use of any substance or preparation the manufacture or sale of which is specifically prohibited by any section of this chapter; or if it be in itself injurious, or if it contain any ingredient injurious to health; or if it consist in whole or in part of a filthy or decomposed substance, or of any portion of any animal unfit for food, or of the product of a diseased animal, or one that has died otherwise than by slaughter. And it shall be unlawful to add or apply to any article designed for sale or use as food, any preservative which conceals or tends to conceal the taste, odor, or other evidence of putrefaction, taint or filth existing in such article, or which conceals or tends to conceal, inferiority in any form.

SEC. 41. *Misbranding.* Any person who either fails to affix or display any brand, marking, label, card or placard in the manner and form required by any section of this chapter, or who fails to fully or truthfully state thereon all things as in such section required, or who places thereon anything other than the specific data or information therein called for; any person who shall remove, erase, efface, obscure or obliterate any such mark, brand, label, card or placard so required by law, and any person who shall place upon any article designed or offered for sale, or use as food, or any article mentioned in this chapter, or upon any receptacle or package containing the same, anything which might deceive or tend to deceive the purchaser, as to the substance from which such article is made or which it contains, or in respect to its quality, strength or quantity, or in respect to the source of its manufacture or production, or which conflicts with, confuses or conceals any data or information required by this chapter to be set forth by the aforesaid mark, brand, label, card or placard, shall be deemed guilty of a misdemeanor, which shall be known as misbranding; and the article concerning, or upon which such misbranding is done, shall be deemed a misbranded article.

SEC. 42. *Penalties; evidence.* The having in possession of any article which is misbranded, within the meaning of the preceding section, shall be deemed prima facie evidence that the same is kept in violation of the law. Every violation of any provision of this chapter shall be deemed a misdemeanor and wherever the minimum punishment is not hereinbefore expressly prescribed, such minimum shall be a fine of not less than fifteen (15) dollars, or not less than twenty (20) days imprisonment. In all criminal prosecutions under this chapter the doing of any act prohibited thereby or the failure to do any act commanded, shall be prima facie evidence of an intent to violate the law; and in any such prosecution the certificate of the commissioner's chemist making the analysis when sworn to by him, shall be prima facie evidence of the facts therein stated; and wherever in this chapter the manufacture or sale of any article or preparation is forbidden by the use of the word "prohibited," compliance with any labeling, marking or placarding requirement hereof, shall not be construed as making such manufacture or sale lawful.

SEC. 43. *Seizure; search warrants.* The commissioner shall seize all goods, the sale of which is prohibited by this chapter, or which are kept or offered for sale in violation of any provision hereof, and for this purpose he and his several employes shall

^a See p. 320.

have the powers of a constable. Such seizure may be made without a warrant, but in such case, as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued, as in the case of stolen property; the form of the complaint and of the warrant being adapted to the purpose of this chapter.

SEC. 44. *Forfeited goods.* The search warrant shall be directed to the sheriff or any constable of the county, and may be executed by the commissioner or any of his employes. No security for costs shall be required thereon, nor upon any prosecution under this chapter. All goods seized, whether with or without warrant, shall be safely kept by the officer so long as they may be needed as evidence; and, if found, upon the trial, to have been kept, offered or sold in violation of law, such goods shall be forfeited to the state, and shall be disposed of as directed by the court.

SEC. 45. *Price not collectible.* No action shall be maintained for the purchase price or value of any goods, the sale of which is prohibited by this chapter, or which are sold or intended to be sold in a manner forbidden hereby. Nor shall any person be liable for the price or value of food or board furnished in violation of any provision hereof.

SEC. 46. *Costs; fines; receipts.* In all prosecutions under this chapter, the costs thereof shall be paid and collected as in other criminal cases; but all fines collected shall be paid into the state treasury, and be added, together with all fees and other receipts of the commissioner, to the appropriation made for the support of his office for the current year.

SEC. 47. *Appropriations.* The sum of fifteen (15) thousand dollars, or as much thereof as may be necessary, is hereby appropriated annually for the carrying out of the purposes of this chapter and for the salaries and expenses of the State Dairy and Food Commissioner, his assistant and employes.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

ALCOHOLIC LIQUORS.

SEC. 26. *Prohibited ingredients; penalty.* No person shall make, brew, distil, sell, or serve, in any form, any adulterated, spirituous, fermented or distilled liquor, and any such liquor shall be deemed adulterated if it contains any of the following named substances: Cocculus indicus, chloride of sodium, copperas, opium, extract of log-wood, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, alum, tobacco, salts of zinc, copper or lead, methyl alcohol or derivatives therefrom, amyl alcohol, coal-tar dye, or any poisonous or injurious ingredient. Every violation of the provisions of this section shall be deemed a misdemeanor, and the first offense hereunder shall be punished by a fine of not less than twenty-five (25) dollars or not less than ten (10) days imprisonment, and any subsequent offense by a fine or imprisonment which shall be not less than double the minimum herein prescribed for the first offense hereunder.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

BAKING POWDER.

SEC. 27. *Definitions and labels.* Any substance or preparation designed or offered for sale or use as baking powder or as a substitute therefor, or in imitation thereof, shall for the purposes of this chapter be deemed included in the term "Baking Powder."

The manufacture or sale of any baking powder, which contains any ingredient injurious to health, is prohibited.

No person shall sell any baking powder unless each receptacle or package in which the same is kept for sale or sold, has securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a white or light colored

label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than eight point, boldfaced, gothic capitals, the words: "This baking powder is composed of the following ingredients and none other," and immediately thereafter upon the same label, in color, style and manner above specified, there shall be printed the name of each ingredient contained in such baking powder, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such baking powder.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

CONFECTIONERY.

SEC. 34. No person shall manufacture or sell adulterated confectionery; and confectionery shall be deemed adulterated if it contain terra alba, barytes, talc, coal-tar dye, or any other poisonous or injurious coloring matter, or any poisonous or injurious flavoring matter, or any substance injurious to health.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

DAIRY PRODUCTS.

SEC. 4. *Liquid measure.* The standard measure of capacity for liquids, except beer and milk, shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, and 63 gallons a hogshead. The standard measure of capacity for beer and milk shall be the gallon containing 282 cubic inches. The half gallon shall contain one hundred forty-one cubic inches, and the quart one-half as much and the pint one-half as much as the quart.—*Laws of 1903, ch. 368, sec. 2.*

SEC. 6. *Impure milk and cream.* No person shall sell unwholesome or adulterated milk or cream.

Milk or cream that has not been well cooled and aerated, or to which preservatives of any kind have been added; milk drawn from cows kept in a crowded condition or in places not well ventilated or lighted, or which from any cause are filthy or unsanitary, or from unclean or diseased cows, or those fed with distillery waste, brewery grains, waste of vinegar or sugar factories, garbage or decayed substances in any form, except ensilage from silos properly managed; milk drawn from cows within fifteen days before, or five days after giving birth to a calf; and milk or cream which has been kept in or near stables where any animal is housed, or in any building attached to such stable, or in any place where bad air exists, and cream taken from unwholesome or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of this chapter.

Milk from which any normal constituent has been abstracted or milk containing any substance not a normal constituent thereof, or more than eighty-seven per cent of water, or less than thirteen per cent of milk solids of which at least three and a half per cent shall be fat, and cream in which there is less than twenty per cent of butter fat or which contains any foreign thickening, or coloring substance or any abnormal ingredient whatsoever, shall be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream except as hereinafter provided.

No person producing milk or cream for market, or exchange or for manufacturing the same into articles of food shall feed milch cattle any distillery waste or brewery grains or the waste of vinegar or sugar factories, or garbage or any substance which is decayed and unhealthy.

SEC. 7. *Skimmed milk.* Notwithstanding the provisions of the preceding section, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skim cheese as hereinafter

defined, and by licensed dealers; but in the latter case only from vessels legibly marked with the words "Skimmed Milk" in plain, black letters upon a light colored background, and each letter being at least one inch high and one-half inch wide, and said words being placed on the top or side of each vessel. These requirements, however, shall not apply to skimmed or separated milk delivered to any patron of a creamery who regularly sells milk to the proprietor thereof, but all milk so delivered shall first be pasteurized at a temperature of at least one hundred and eighty degrees, Fahrenheit.

SEC. 8. *Sales licensed.* No person shall sell milk or cream in, or to be used in, any municipal corporation, except for the purpose of supplying the same to a butter or cheese factory, without being licensed by the dairy and food commissioner, and the fee for such license shall be one dollar for each place or vehicle from which sale is made. Every such license shall expire on the first day of May next after its issue, shall be given only to a person owning or leasing the vehicle or place from which sales are to be made and shall not be transferred. Each license shall be numbered and shall contain the name, residence and place of business of the licensee, the name of all employes to act thereunder, and the number of vehicles and places to be used. The name and number of the license shall be plainly inscribed on both sides of each vehicle in use for the purposes aforesaid, and every sale from a vehicle not so inscribed shall be deemed a misdemeanor. Every licensee shall report to the commissioner any change of driver or person employed by him in connection with such sales which may occur during the term of his license. Any person keeping not more than one cow shall be exempted from the provisions of this section.

SEC. 9. *License revoked.* The commissioner may withhold a license from any applicant therefor whom he may deem unworthy and may revoke any license issued by him to an owner who has violated the terms thereof, or who has failed to comply with any requirement of this chapter, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this chapter shall be a sufficient ground for such revocation.

SEC. 10. *Standard measures and tests.* The standard pipette for measurement of milk shall have a capacity of seventeen and six-tenths cubic centimeters, and for cream 18 cubic centimeters. The standard test tube or bottle for milk shall have a capacity between zero and ten on the graduated scale marked on the neck thereof, of two cubic centimeters of mercury, at a temperature of sixty degrees Fahrenheit, and for cream a capacity of six cubic centimeters of mercury, at the same temperature between zero and thirty on the scale. Any person who shall use any other measure or test for milk or cream sold or purchased at prices determined by the proportion of butter fat contained therein; any person who shall manipulate or under read the Babcock test or any other contrivance used for determining the quality or value of milk; and any person who shall manufacture or sell, a cream or milk pipette or measure, which is not correctly marked or graduated as herein provided, shall be deemed guilty of a misdemeanor.

SEC. 11. *Cans to be cleansed; sour milk.* Every person receiving milk or cream from a common carrier in cans or other vessels which are to be returned to the shipper, shall cause such vessel to be promptly emptied and before returning the same to be thoroughly cleansed. No person shall ship or deliver to any manufacturer or dealer any milk or cream that has become sour unless it be so labeled.

SEC. 12. *Factory records.* No person engaged in making butter or cheese for others out of cream or milk furnished by them shall withhold or permit to be withheld, any part of the cream or milk so furnished, or any product thereof, without the knowledge and consent of the owner. Every maker shall keep a record of all quantities of milk and cream received each day and from whom received and the disposition thereof, also of the weight of all cheese and butter made each day, and of the number and aggregate weight of all packages of cheese and butter delivered to those

furnishing milk and cream for manufacture or otherwise disposed of. Such records shall be exhibited on request to the commissioner and his employes and to all persons furnishing milk and cream to such maker.

SEC. 13. *Skim cheese; placards.* No person shall manufacture for sale or sell as cheese any substance not the exclusive product of milk. Cheese containing less than forty-five per cent of fat to total solids therein shall be known as "skim cheese" and no person shall sell the same unless the words "skim cheese" be plainly lettered thereon in letters made with bold-faced type not less than one and one-half inches long, upon the circumference of the cheese, and the same inscription be placed upon the outside of each package in which it is kept for sale or sold; and every person who sells the same or furnishes it to boarders or others for pay shall cause placards to be kept continuously posted in a conspicuous position upon the walls of the room wherein such skim cheese is sold, or served, upon the face of which placards there shall be distinctly and legibly printed in the English language and in letters of sufficient size to be visible from all parts of the room, the word "skim cheese sold (or served) here."

SEC. 14. *Minnesota brands.* Any person manufacturing in this state cheese above the grade of skim cheese or butter which is wholly and exclusively the product of wholesome and unadulterated milk or cream may label and sell the same as "Minnesota Full Cream Cheese" or "Minnesota Pure Dairy (or Creamery) Butter," as the case may be, and may add to such brand or label the name of the county wherein such cheese or butter is made, using for the purpose a numbered stencil brand furnished by the Dairy and Food Commissioner. Such commissioner shall issue to such manufacturer under such regulation as to the custody and use thereof as the commissioner may prescribe, uniform stencil brands for such marking; keeping a register of the number of each and of the name and place of residence of the manufacturer receiving the same.

Any person who shall without authority of the commissioner, as aforesaid, use any such brand or label, or any person who shall use such brand or label upon cheese or butter below the grade aforesaid, shall be guilty of a misdemeanor.

SEC. 15. *Inspection of dairies.* At such times as he may deem proper he shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk or cream and may require the correction of all unsanitary conditions and practices found therein.

Every refusal or neglect to obey any lawful direction of the commissioner or his agent given in carrying out the provisions of this chapter shall be deemed a misdemeanor.

SEC. 16. *Local inspection.* The governing authority of any municipal corporation may by ordinance, provide for the inspection of milk and butter sold within its limits, and of dairies, and dairy herds kept for the production of such milk or butter; and may prescribe the terms upon which such sales may be made and affix penalties for violation thereof; but no such ordinance shall conflict with any law of this state, or interfere with any power or duty of the Dairy and Food Commissioner, or his official subordinates.

SEC. 17. *Water standard for butter.* No person shall manufacture for sale or sell any dairy or creamery butter which contains more than sixteen per cent of water.

SEC. 18. *Renovated butter.* No person shall sell any butter made by taking original packing stock, or other butter, or both, and melting the same and drawing off, or extracting the butter fat, and mixing such fat with skimmed milk, or cream, or other milk product, and reurning or reworking such mixture; or any butter produced by any process, commonly known as boiled, process or renovated butter, unless the words "Renovated Butter" shall be plainly branded with boldface letters, at least three-fourths of an inch in length, on the top and sides of each receptacle, package,

or wrapper in which it is kept for sale or sold. And if such butter is exposed for sale uncovered, or not in a receptacle, package or wrapper, then a placard containing the words "Renovated Butter" printed in style and manner as aforesaid, shall be attached to the mass of butter in such manner as to be easily seen and read by purchasers.

SEC. 19. *Process butter.* No person shall sell any butter made of part cream and part casein and other ingredients by what is known as the "Quinness Patent" or process, or that made by other similar process, whereby the casein of milk and other ingredients are made to imitate and resemble genuine butter made from cream, unless each package or receptacle in which the same is kept for sale or sold shall be stamped or marked "Patent Butter" on the top and sides thereof, with lamp black and oil, in letters at least one-fourth of an inch wide, and one-half of an inch long; and in addition to such marking the seller at the time of the sale shall give to the purchaser a printed card, stating distinctly and correctly the different ingredients contained in said compound.

SEC. 20. *Imitating yellow butter; penalty.* The manufacture or sale of oleomargarine, butterine, or similarly constituted butter substitute, which is made or colored to imitate yellow butter is prohibited. Every violation of the provision of this section shall be deemed a misdemeanor, the punishment whereof shall be a fine of not less than fifty dollars or imprisonment for not less than sixty days.

SEC. 21. *Branding of oleomargarine.* Oleomargarine or butterine or similarly constituted butter substitutes may be sold if not in semblance of yellow butter, and if free from prohibited ingredients and otherwise wholesome, provided each wrapper or receptacle in which the same is kept for sale, or sold, shall be plainly and conspicuously branded by stamp or label with the word "Oleomargarine" or "Butterine," in the English language, in letters not smaller than thirty-six point, bold-faced gothic capitals, and provided also, the seller keeps constantly and conspicuously posted on both sides of the room in which the sale is made, a placard, the face of which shall contain plainly printed thereon, in the English language, in black ink, in type not smaller than six inches in length, the words "Oleomargarine (or Butterine) sold here."

SEC. 22. *Notice when serving oleomargarine in hotels, etc.* Every manager or managing agent of any establishment, either public or private, where guests, boarders or patients are served with food for pay, who shall serve or use as butter, or as a substitute therefor any oleaginous substance or compound other than that produced wholly from unadulterated milk or cream, shall cause to be plainly printed upon every bill of fare, if one be used, in letters not smaller than eight point, bold faced gothic capitals, in the English language, the words "Oleomargarine (or butterine or other substitute) used in place of butter;" and in case no bill of fare be used the manager or person in charge of such establishment shall cause to be posted upon each side of the dining or eating room in a conspicuous position and in letters large enough to be distinctly seen and read from all parts of the room, placards containing on the face thereof, the words in the English language, "Oleomargarine (or butterine, or other substitute) used in place of butter." And such person shall keep said placards continuously posted as aforesaid, so long as such butter substitute be kept or used.

SEC. 23. *Preservatives.* No person shall manufacture for sale, advertise or sell, any mixture or compound designed or offered for sale or use, as an adulterant of, or preservative of milk, butter or cheese; nor shall any person add or apply to milk, butter or cheese, any borax, boric acid, salicylic acid, formaldehyde, formalin, or other antiferment or preservative; provided, however, that this section shall not apply to pure salt added to butter or cheese.

Revised Code, 1905, ch. 158 (in preparation).

HONEY.

SEC. 33. *Definitions; substitutes; labels.* Pure honey is wholly the natural product of honey bees, collected and made by them from the nectars of flowers and saccharine exudations of plants.

If made by bees in whole or in part from glucose, sugar, syrup or other material fed to them for the purpose, such product is "fed honey" and shall, for the designs of this chapter, be deemed and known as "honey substitute."

If designed or offered for sale or use, as honey, or as a substitute therefor, or in imitation thereof, any substance or preparation which is not pure honey, within the meaning of the above definition, shall, for the purposes of this chapter, be deemed and known as "honey substitute."

The foregoing definitions and terms shall be deemed to apply both to comb honey and to the extracted or strained products of comb honey.

The manufacture or sale of any honey substitute, which contains any ingredient injurious to health, is prohibited.

No person shall sell any honey substitute, unless each receptacle, package or frame in which it is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than ten point, bold-faced, gothic capitals, the words "This preparation is honey substitute, composed of;" and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute, and if such substitute consists in whole or in part of fed honey, then, there shall also appear upon such label, the name of each substance fed to the bees producing such fed honey together with the name and location of the apiary from which such fed honey came.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

LARD.

SEC. 35. *Definitions; substitutes; labels.* Lard, to be deemed pure, must be composed wholly of rendered hog fat and must contain intact every constituent normal to rendered hog fat.

If designed or offered for sale or use as lard, or as a substitute therefor, or in imitation thereof, any substance or preparation, which is not pure lard, within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "lard substitute."

The manufacture or sale of any lard substitute which contains any ingredient injurious to health is prohibited.

No person shall sell any lard substitute, unless each receptacle in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, a stencil brand or light colored label, upon the outside face of which shall appear in the English language, in letters not smaller than thirty-six point, bold-faced, gothic capitals, the words "Lard Substitute," and immediately following in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer or packer of such substitute; and in addition to the proper labeling of such receptacle, as hereinbefore required, the seller shall furnish to the purchaser, at the time of sale a card upon which is distinctly and legibly printed in English all data and information required to be printed upon the label aforesaid.

SEC. 36. *Notice when substitutes are used in bakeries, hotels, etc.* No person shall sell in any bakery or other place where prepared foods are kept for sale or sold, and no person shall serve to guests, boarders or patients for pay, any food prepared wholly or in part from, with, or by use of lard substitute, unless at the time of such sale or service there be furnished to the purchaser a card or printed notice upon which is distinctly and legibly printed in English the words "This food is prepared with lard substitute;" and such person shall also keep constantly posted upon the walls of the room where sale or service is made, in conspicuous positions, a notice, upon which shall be distinctly and legibly printed in English, and in letters of sufficient size to be visible from all parts of the room, the words "Lard Substitute is used in the preparation of food sold (or served) here."

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

MEATS.

SEC. 7½. *Sale of unwholesome poultry a misdemeanor.* Every person who shall offer or expose for sale at retail, for human food, at any public market, store, shop, or house, or in or about any street or other public place, any domestic or wild fowls, or any slaughtered rabbits, squirrels, or other small animals, wild or tame, unless the entrails, crops, and other offensive parts are properly drawn and removed, shall be guilty of a misdemeanor.—*Laws of 1895, ch. 201.*

SEC. 7¾. *Protection of meat; penalty.* Every dealer in slaughtered fresh meats, fish, fowl, or game for human food, at wholesale or retail, at any established place or as a peddler, in the transportation of such food from place to place to customers, shall protect the same from dust, flies, and other vermin or substance which may injuriously affect it, by securely covering it while being so transported. Every violation of the foregoing provision shall be a misdemeanor, punishable by a fine of not less than \$10 or by imprisonment in the county jail for not less than 10 days.—*Laws of 1895, ch. 200.*

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

PRESERVES.

SEC. 30. *Definitions; prohibitions; labels.* Pure fruit jelly shall be defined as a preparation consisting wholly of the product obtained by evaporating the natural juice of the fruit specified with or without the addition of cane sugar, and containing no other ingredients.

Pure fruit jam, preserves and marmalade shall each be defined as a preparation consisting wholly of the fruit specified, preserved in a syrup made of cane sugar and pure water, and containing no other ingredients.

If designed or offered for sale or use as, or in place of, or in imitation of either fruit jelly, jam, preserves, or marmalade, any substance or preparation, which is not pure within the meaning of the above definitions, shall for the purposes of this chapter be deemed and known as a substitute.

The manufacture or sale of any such substitute which contains coal-tar dye, or any ingredient injurious to health, is prohibited.

No person shall sell any such substitute unless each package or receptacle in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, a separate and distinct white label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than eighteen point, bold-faced, gothic capitals, the words: "This preparation is mixed and adulterated," and there shall also appear upon such label the name and address of the manufacturer of such substitute.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

SPICES.

SEC. 28. *Definitions; prohibitive.* The words "spice" and "condiment," as used in this chapter, shall be deemed to include every substance known in commerce as a spice or condiment, whether separately or in combination with others, and however prepared, and such words shall also be deemed as including any substance or preparation designed or offered for sale or use as a spice or condiment, or as a substitute for either, or in imitation of either.

The manufacture or sale of any spice or condiment which is itself injurious, or which contains any ingredient injurious to health, is prohibited.

The manufacture or sale of any condiment containing, or prepared with, or by use of vinegar which is adulterated within the meaning of Section 24^a of this chapter is prohibited; and nothing in this or the succeeding section shall be deemed to permit the sale of vinegar as a separate condiment if such vinegar be adulterated within the meaning of said Section 24.^a

SEC. 29. *Adulteration defined; labels.* For the purpose of this chapter a spice or condiment shall be deemed adulterated:

1. If it be so mixed or packed with other articles as to decrease its strength or purity; or
2. If any normal constituent thereof has been either in whole or in part abstracted; or
3. If it be an imitation of the article named upon the label; or
4. If it be colored, powdered, or treated in any manner whereby damage or inferiority is concealed, or whereby the quantity, quality or value is misrepresented.

No person shall sell any spice or condiment which is adulterated as hereinbefore defined, unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white label, upon the outside face of which label shall be printed in the English language, in black ink, in type not smaller than double pica, the words "mixed and adulterated," and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the common English name of the spice or condiment which such receptacle or package contains, together with the net weight of such contents; and such label shall also contain the name and address of the manufacturer or packer of such spice or condiment.

No person shall sell any unadulterated spice or condiment unless the net weight of the contents of the receptacle or package shall plainly appear in a conspicuous place thereon.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

SYRUPS, ETC.

SEC. 31. *Maple sugar; syrup defined; substitutes; labels.* Pure maple sugar and pure maple syrup shall each be defined as a product obtained wholly by the evaporation of the natural sap of the sugar maple tree: Provided, that maple syrup made by dissolving pure maple sugar in pure water, shall for the purposes of this chapter be deemed pure.

If designed or offered for sale or use as either maple sugar or maple syrup, or as a substitute for either, or in imitation of either, any substance or preparation which is not pure, within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "maple sugar substitute" or "maple syrup substitute," as the case may be.

The manufacture or sale of any maple sugar substitute or any maple syrup substitute which contain any ingredient injurious to health is prohibited.

No person shall sell any such substitute, unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a separate and distinct white or light colored label, upon the outside face of which label shall be printed in the English language, with black ink, in type not smaller than twelve (12) point, bold-faced, gothic capitals, the words "This maple sugar substitute (or maple syrup substitute, as the case may be) is composed of;" and immediately following upon the same label in color, style and manner aforesaid, there shall appear the name of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute.

SEC. 32. *Sorghum syrup defined; substitutes; labels.* Sorghum syrup, to be deemed pure, must consist wholly of the product obtained by the evaporation of the natural juice of the sorghum plant.

If designed or offered for sale or use as sorghum syrup, or as a substitute therefor, or in imitation thereof, any substance or preparation, which is not pure sorghum syrup within the meaning of the above definition, shall for the purpose of this chapter be deemed and known as "sorghum syrup substitute."

The manufacture or sale of any sorghum syrup substitute which contains any ingredient injurious to health is prohibited.

No person shall sell any sorghum syrup substitute, unless each receptacle in which the same is kept for sale or sold, shall have securely affixed upon the side thereof a separate and distinct white label, upon the outside face of which label, shall be printed in the English language, with black ink, in type not smaller than thirty-six point, bold-faced, gothic capitals, the words "This preparation is sorghum syrup substitute composed of;" and immediately following upon the same label, in color, style and manner aforesaid, there shall appear the name and proportionate amount by weight, of each ingredient contained in such substitute, using the name by which each ingredient is commonly known; and there shall also appear upon such label the name and address of the manufacturer of such substitute.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

VINEGAR.

SEC. 24. *Definitions and standards.* The term "Vinegar" as used herein, shall be deemed to include any article or preparation designed or offered for sale or use as vinegar, or as a substitute therefor, or in imitation thereof.

No person shall sell as cider vinegar any article or preparation not made wholly from pure apple juice.

The manufacture or sale of adulterated vinegar for use in any form in food is prohibited, and any vinegar shall be deemed adulterated:

1. If it contain less than four and one-half per centum by weight of acetic acid; or
2. If it contain any artificial coloring matter; or
3. If it contain any mineral acid, or any acid or product originating from the distillation of wood, or any poisonous metallic impurities, or any substance injurious to health; or
4. If it be cider vinegar and contains less than two per centum by weight of cider vinegar solids upon full evaporation at the temperature of boiling water.

SEC. 25. *Branding.* No person shall sell any vinegar, unless the receptacle in which it is kept for sale or sold, be plainly and conspicuously marked, in the English language, upon the head thereof by stencil, brand, or label, with the name of the kind of vinegar therein contained, its percentage of acetic acid by weight, the name

of the substances from which it is made, the name of the maker and the place of manufacture. The size of the letters and the figures in the marking herein required shall be not less than one inch in length when a barrel or larger size container be used, and when a cask, keg or any wooden receptacle of less than barrel size be used the size of the letters and figures shall be not less than one-half inch in length; and if the receptacle consists of a barrel, jug or similar container, the data and information herein required shall be plainly printed, in English, with black ink, with type not smaller than eighteen point bold-faced, gothic capitals, upon a white label, which shall be securely affixed upon the side of such receptacle.

Revised Code, 1905 (Penal Code), ch. 96 (in preparation).

DIRECTIONS FOR SAMPLING AND LABELING.

To all wholesale and retail dealers in dairy and food products coming under the dairy and food laws of Minnesota:

In submitting samples for inspection to this department we respectfully ask each person to give us all the data possible concerning the articles submitted, and we promise to use the utmost energy to give a correct and speedy analysis of the same, reserving the right, however, to give our department work the preference in each case.

All goods in dairy and food lines manufactured in the state of Minnesota are those that this department will consider themselves particularly interested in and obligated to give the most speedy analysis; those manufactured outside of Minnesota will naturally look to their home states for information. However, we shall be pleased to grant any favor consistent with the general duties of this department.

In sending in samples for analysis to this department of any manufactured product, the following information must be given of each sample:

Name and location of manufacturer. If bought of jobber, the firm name and location. Be particular as to this, and write names plainly.

Brand or name of article, any representation by seller as to quality or character of goods.

To enable correct analysis to be made not less than the following quantities of each article should be sent:

Cheese, not less than six ounces.

Butter, not less than eight ounces.

Milk, not less than four ounces.

Cream, not less than four ounces.

Lard, not less than four ounces.

Baking powder, not less than one small can.

Vinegar, not less than four ounces.

Honey, not less than eight ounces.

Spices, not less than four ounces.

Food jellies, not less than one-half pound, or small original package.

Jams, not less than one-half pound, or small original package.

Preserves, not less than one-half pound, or small original package.

Beer, not less than one pint.

Wine, not less than one pint.

Liquor, not less than one pint.

Linseed oil, not less than eight ounces.

Maple syrup, not less than eight ounces.

Candy, not less than eight ounces.

White lead, not less than four ounces.

Mixed paints, not less than small can.

Baking powder labels must be in type no smaller than this size.

BAKING POWDER CONTAINS

Honey substitute labels must be printed in type no smaller than this size.

HONEY SUBSTITUTE

Maple sugar and maple syrup substitute labels must be printed in type no smaller than this size, 12 point Gothic capitals.

THIS MAPLE SUGAR

Jellies, jams and preserves substitute labels must be printed in type no smaller than this size, 24 point Gothic capitals.

JELLIES JAMS

Adulterated spices must be labeled "Mixed and Adulterated" in type no smaller than this size, 24 point Gothic capitals.

THIS SPICE

Sorghum substitute labels and also lard substitute labels must be printed in type no smaller than this size, 36 point Gothic capitals.

LARD

Vinegar stencils on barrels shall be printed with letters one-inch in length, on casks, kegs or other wooden receptacles of less than barrel size, one-half inch in length, on jugs, etc., in type not smaller than 18 point Gothic capitals.

Linseed oil containers must be stenciled with letters not smaller than one inch in length.

MISSISSIPPI.

With the exception of the appointment of inspectors by county and town authorities, no special provision is made for the enforcement of the food laws of this State.

GENERAL FOOD LAWS.

952. *Adulteration of food, drugs, candy, confections, and sweetmeats.* If any person shall manufacture, sell, or keep or offer or exhibit for sale any adulterated food or drug, as defined by law; or if any person shall manufacture, sell, or keep or offer or exhibit for sale any candy, confection, or sweetmeat, in making which any preparation of lime or other deleterious substance is used, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both.

Annotated Code, 1892, ch. 29, p. 311.

1242. *Oleomargarine and other imitation food to be branded, etc.* A person who sells or manufactures, exposes or offers for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding one month, or both.

Annotated Code, 1892, ch. 29, p. 365.

2095. *The terms "food" and "drugs" defined.* The term "food" includes every article used as food or drink by man; and the term "drug" includes all medicines for external or internal use.

2096. *The term "food adulteration" defined.* An article of food shall be deemed adulterated:

- (a) If any substance be mixed with it so as to lower or injuriously affect its quality or strength;
- (b) If any inferior or cheaper substance or substances be substituted in whole or in part for the article;
- (c) If any valuable constituent of the article be, in whole or in part, abstracted or extracted;
- (d) If it be an imitation of, or sold under the name of, another article;
- (e) If it consist, in whole or in part, of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not; or
- (f) In the case of milk, if it be the produce of a diseased animal;
- (g) If it be colored or coated, or powdered or polished, whereby damage is concealed, or if it be made to appear better than it really is, or of greater value; or
- (h) If it contain any added poisonous ingredient, or any ingredient injurious to health; but this section shall not apply to mixtures or compounds recognized as ordinary articles of food.

2097. *The term "drug adulteration" defined.* A drug shall be deemed adulterated: (a) If, when sold under a name recognized in the United States pharmacopoeia, it differ from the standard of strength, quality, or purity laid down therein.

(b) If, when sold under a name not recognized in said pharmacopoeia, but which is found in some other pharmacopoeia or other standard work on materia medica, it differ from the standard of strength, quality, or purity laid down in such work; or

(c) If its strength, quality, or purity fall below the professed standard under which it is sold.

2098. *Inspectors of food appointed.* The board of supervisors of every county, and the mayor and board of aldermen of every city, town, and village, respectively, may appoint and commission a suitable person to be inspector of food, and said boards may direct, from time to time, what kinds of food shall be inspected.

2099. *Regulations adopted; penalties.* The said boards may, respectively, make and publish all needful regulations for the government of the inspectors, and of dealers in food, and may enforce such regulations by proper penalties, and they may prescribe and regulate the compensation of the inspector and his fees and perquisites, and define his duties.

2100. *Oath and bond of inspector.* Every inspector of food, before he enters on his duties, shall take and subscribe the following oath, to be attached to his commission: "I, A B, do swear (or affirm) that, as inspector of food for the ———, I will not knowingly or willfully injure any person, or suffer any injury to be done by others, with my knowledge or consent; and I will, at all times and in all things, well and truly perform all the duties of inspector of food for the ———, according to law, to the best of my abilities, without fraud, favor, or partiality. So help me God." And he shall give bond, with sufficient sureties, payable to the county, city, town, or village, in the sum of five hundred dollars, conditioned for the faithful performance of his duties.

2101. *Inspectors liable as other officers.* Every inspector of food shall be liable, civilly and criminally, as other officers are, for fraud and any malfeasance or misfeasance in office, and shall be liable on his bond for the safe-keeping and accounting for the standards of weights and measures.

2102. *The inspector is keeper of the standards of weights and measures.* The inspector of food of any county, city, town, or village shall be keeper of the standards of weights and measures, and shall seal all weights and measures brought to him conforming or conformed to the standards.

2103. *Instruments for gauging liquors.* In case it be necessary or proper, the board of supervisors, or the board of mayor and aldermen, shall supply the inspector with all the necessary instruments for gauging and ascertaining the contents of vessels of liquor; and such boards may direct and regulate the inspection, gauging, and marking or branding packages of liquors, and enforce such regulations.

2104. *Penalty for opposing the inspector.* Any person who shall oppose or obstruct any inspector of food in the discharge of his official duties, shall, for every such offense, forfeit and pay two hundred dollars, and shall, moreover, be liable to an action for any injury or damage that may be sustained by any such opposition or obstruction.

2105. *Sale of unsound provisions; penalty for.* If any person shall knowingly sell, keep, or offer for sale as sound and wholesome, any tainted, putrid, unsound, unwholesome, or unmerchantable provisions, as human food, or shall practice any fraud or deception whereby any such provisions are put off or sold, the whole of such provisions, if of value for any purpose, shall be forfeited to the county wherein the same may be offered or kept for sale.

2106. *Under-weight barrels of flour, meal, pork, and beef forfeited.* If any person shall sell, keep, or offer for sale, any barrel of flour, meal, pork, or beef, as a barrel thereof, containing less than the standard weight net, he shall forfeit to the county

all of such under-weight flour, meal, pork, or beef which he may have in his possession.

2107. *Adulterated food and drugs forfeited.* If any person shall sell, keep, or offer for sale any adulterated food or drug, the whole of the adulterated article shall be forfeited to the county.

Annotated Code, 1892, ch. 50, p. 534.

ALCOHOLIC BEVERAGES.

1600. If a person shall sell any vinous, malt, alcoholic, intoxicating, or spirituous liquors prepared by him or his agent, or knowing it to be prepared according to any certificate or formula for adulteration, or shall adulterate the same, such person shall be subject to indictment therefor, and, upon conviction, shall be imprisoned in the penitentiary not less than one year nor more than five years.

Annotated Code, 1892, ch. 37, p. 430.

MISSOURI.

In response to a letter of inquiry, the following statement was made by Mr. Robert Washburn, the State dairy commissioner, who is charged with the enforcement of the dairy laws:

We have no general, comprehensive pure food law, nor any special means of enforcing the special laws that we do have, except in the case of dairy foods. The Missouri dairy commissioner has been in office only one month, and has not yet tested the strength of our new law. * * * The standards for milk and milk products promulgated by the United States Department of Agriculture have been adopted. (See Part I, p. 13.)

GENERAL FOOD LAWS.

2266. *Unwholesome meat, bread, or drink; penalty.* Every person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or shall sell the flesh as of one animal, knowing it to be that of another species, or shall sell unwholesome bread or drink without making the same fully known to the purchaser, and any butcher or other person who shall sell or offer to sell the meat of any calf which was killed before it had attained to the age of six weeks, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year.

2267. *Cleanliness of food receptacles.* It shall be unlawful for any person, firm or corporation to use any barrel, lard tierce, preserve or butter tub, having been once used, for the purpose of packing or storing any article of human food therein, unless such barrel, lard tierce, preserve or butter tub has been thoroughly cleaned or scoured before its subsequent use.

2268. *Penalty.* Any person violating the provisions of the foregoing section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than twenty dollars for each offense, and by the using of any single article as before mentioned shall constitute a separate offense.

2269. *Adulteration of food and drugs.* Every person who shall fraudulently adulterate, for the purpose of sale, anything intended for food or drink, or any drugs or medicine shall be deemed guilty of a misdemeanor.

Revised Statutes, 1899, vol. 1, p. 627.

2286. *Ingredients prohibited.* It shall be unlawful for any person or corporation doing business in this State to manufacture, sell or offer to sell, any article, compound or preparation, for the purpose of being used or which is intended to be used in the preparation of food, in which article, compound or preparation, there is any arsenic, calomel, bismuth, ammonia or alum.

2287. *Penalty.* Any person or corporation violating the provisions of section 2286 shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than one hundred dollars, which shall be paid into and become a part of the road fund of the county in which such fine is collected.

Revised Statutes, 1899, vol. 1, p. 631.

6127. *Cities may provide for inspection of animals intended for food.* All cities in this State are hereby empowered to provide by ordinance for the inspection, while living, of all animals intended as human food within such cities.

Revised Statutes, 1899, vol. 2, p. 1437.

ALCOHOLIC BEVERAGES.

2278. *Poisonous ingredients; penalty.* Any person who shall adulterate, by the use of strychnine or other poisonous liquids or ingredients, any spirituous, fermented, malt or vinous liquors, or shall sell any such liquors by retail or wholesale, knowing the same to be adulterated as aforesaid by or with strychnine or other poisonous liquids or ingredients, shall be deemed guilty of a felony, and upon conviction thereof, be punished by imprisonment in the penitentiary not exceeding five years.

2288. *Adulterated hops, malt, or yeast in beer; penalty.* No substitute for hops or the pure extract of hops, or of pure barley malt or wholesome yeast shall be used in the manufacture of ale or beer in this state, and all ale or beer shown to contain any substance used as a substitute for hops, or pure extract of hops, or pure barley malt or wholesome yeast, is hereby declared adulterated. Whoever manufactures for sale any ale or beer adulterated as referred to in this section, or sells or offers to sell any such ale or beer, knowing it to be adulterated as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five hundred and not more than five thousand dollars, or by imprisonment in the county jail not less than one month nor more than six months, or by both such fine and imprisonment.

2289. *Liquor dealers' oath and bond.* It shall not be lawful for any person or persons to sell or offer to sell any spirituous, fermented, malt or alcoholic liquors within this state until he, she or they shall first appear before the county court clerk of the county where such liquors are to be sold or offered for sale, and take and subscribe an oath not to mix or adulterate, with any substance whatever, the liquors offered for sale, and give bond in the sum of five hundred dollars, with good and sufficient surety, for the payment of all costs arising from prosecutions for violations of the provisions of this article in relation to the adulteration and sale of intoxicating liquors.

2290. *Liquor manufacturers' oath.* It shall not be lawful for any person or persons to manufacture or rectify any spirituous, fermented, malt or alcoholic liquors within the limits of this state until he, she or they shall first appear before the county court clerk of the county where such liquors are proposed to be manufactured or rectified, and take and subscribe an oath not to adulterate, or suffer to be adulterated, any liquors manufactured or rectified by themselves or agents.

2291. *Liquor dealers' affidavit.* Before any person or copartnership of persons shall be authorized to sell intoxicating liquors he, she or they shall file with the clerk of the county court, in the county where it is desired to sell the same, an affidavit to the following effect, to wit:

I, A B, do solemnly swear that I will not mix or adulterate, with any poisonous substance whatever, any distilled or fermented liquors, or any composition of which distilled or fermented liquors form a part, nor will I mix the different kinds of liquors together for the sake of profit, nor dilute the same with water, nor will I permit the same to be done.

2292. *Penalty.* If any person or persons shall sell any spirituous, fermented, malt or alcoholic liquors in violation of or without complying with the three next preceding sections, he or they shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine of not less than fifty nor more than five hundred dollars.

2293. *Druggists, etc., exempt.* Nothing herein shall be so construed as to prevent druggists, physicians or persons engaged in the mechanical arts from mixing and

adulterating liquors for medicinal or mechanical purposes to be by them used in their business.

2294. *Summons by grand jury.* The grand jury may send for persons or papers in cases where they may be of the opinion that any person or persons have been guilty of violating any of the provisions of sections 2278, 2279, 2288, 2289, 2290, 2291, 2292 and 2293.

Revised Statutes, 1899, vol. 1, p. 632.

7682. (SEC. 1.) *Appointment of inspector of beer and malt products.* There is hereby created the office of beer inspector which shall be filled by appointment by the governor by and with the consent of the senate, within thirty days after the taking effect of this act, an inspector of beer and malt products, who shall serve for a term of four years and until his successor is duly appointed and qualified. He shall be an expert beer brewer and a citizen of the United States and of this state for more than two years next prior to his appointment. He shall give a bond in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of the duties of his office.

7683. (SEC. 2.) *Deputies and clerical help.* Said inspector shall, with the approval of the governor, appoint such deputies as may be required to carry out the provisions of this article, not to exceed four in number, and such clerical help as may be necessary. Said deputies shall each receive for their services the sum of fifteen hundred dollars per annum, and said inspector shall receive the sum of three thousand dollars per annum, all salaries and expenses to be paid out of the sums of money now, or that may hereafter be, appropriated for said purpose.

7684. (SEC. 3.) *Inspection of beer obligatory.* Every person, persons or corporation who shall erect or keep a brewery for the manufacture or brewing of beer or other malt products within this state, for the purpose of offering the same for sale, shall cause the same to be inspected by the said state inspector.

7685. (SEC. 4.) *Use of chemicals, unwholesome yeast, etc., prohibited.* No person, persons or corporation, engaged in the brewing or manufacture of beer or other malt liquors, shall use any substance, material or chemical in the manufacture or brewing of beer or other malt liquors, other than pure hops or pure extract of hops, or of pure barley, malt, or wholesome yeast, or rice.

7686. (SEC. 5.) *Imported malt liquors to be inspected and affidavit made as to purity; labels and fees.* Every person, persons or corporation who shall receive for sale or offer for sale any beer or other malt liquors other than those manufactured in this state shall, upon receipt of same, and before offering for sale, notify the inspector, who shall be furnished with a sworn affidavit, subscribed by an officer authorized to administer oaths, from the manufacturer thereof, or other reputable person having actual knowledge of the composition of said beer or other malt liquors, that no material other than pure hops or the extract of hops, or pure barley, malt or wholesome yeast, or rice, was used in the manufacture of same; upon the receipt of said affidavit, the inspector shall inspect and label the packages containing said beer or malt liquors, for which services he shall receive like fees as those imposed upon the manufacturers of beer and malt liquors in this state.

7687. (SEC. 6.) *Records and report of inspector.* The inspector appointed under this article shall provide himself with an office, and shall record on books kept for that purpose the names and places of business of all persons engaged in the manufacture, brewing and sale of beer and malt liquors. He shall keep a record of all beer and malt liquors manufactured, brewed or sold and the amount produced by each brewery or manufacturer, or sold by dealer. He shall keep a record of all fees collected and all expenditures incurred, and shall make a full and complete report of the same to the governor upon the first day of each year.

7688. (SEC. 7.) *All malt products to be inspected and labeled.* It shall be the duty of each inspector to cause to be inspected all beer or other malt liquors brewed or manufactured or sold in this state, and if he shall find that such beer or other malt liquor has been made from pure hops or the pure extract of hops, or of pure barley, malt or wholesome yeast, or rice, to place upon the package containing such beer or malt liquor his label, certifying that the same has been inspected and made from wholesome ingredients.

7689. (SEC. 7a.) *State treasurer to furnish labels, etc.* It shall be the duty of the state treasurer upon the taking effect of this article to provide suitable and inimitable state certificates and labels for this inspection, gauging and labeling, having on each proper places for countersigning by the state treasurer and inspector, and shall safely keep the same together with the plates used in making them, when not in actual use. The state treasurer shall from time to time, upon demand, deliver the afore-said labels to the inspector, taking therefor his receipt, and shall charge said inspector with the same; and shall from time to time as said inspector makes returns of moneys collected in the course of his inspection credit said inspector's account with such sums, and shall keep a true and correct book account of his dealings with said inspector.

7690. (SEC. 7b.) *Fraudulent use of inspector's labels; penalty.* It shall be unlawful for any person to attempt to make or make, to attempt to sell or sell, or attempt to use or use any of the certificates or labels or both provided for by this article, or imitations thereof, except such persons as by law are allowed to make, sell and use the same, and any person so offending shall be deemed guilty of a felony, and, upon conviction, be punished by imprisonment in the penitentiary for a term not to exceed five years.

7691. (SEC. 8.) *Inspector's fees; "package" defined.* The inspector shall be entitled to receive for inspecting and gauging one cent for each gallon contained in each package, and two cents for labeling each package. All fees received by the inspector shall be paid into the state treasury. The word package, as used in this article, shall be construed to mean any vessel of any kind other than pint and quart bottles in which any beer or malt liquor may be placed for sale, containing eight gallons or less; when said beer or malt liquors are placed in pint or quart bottles, a package, as used in this article, shall be construed to mean not to exceed forty-eight pint bottles or 24 quart bottles of beer or malt liquors, which, when manufactured and so bottled must, before sale, be placed in suitable cases containing said number and size of bottles, for inspection and stamping by said state inspector; and when said beer or malt liquors shall be placed in vessels containing more than eight gallons, the word package shall be construed to mean each eight gallons or fractional part thereof so contained in said vessel.

7692. (SEC. 9.) *Expenses, salaries, etc.; disposal of fines.* The expense of said office, including the salaries of the inspector and his deputies, shall be paid monthly out of the amount appropriated by law from the general revenue fund on warrants drawn by the state auditor on vouchers approved by the inspector, and all fees received by the inspector under the provisions of this article shall, on or before the last day of each month, be paid into the state treasury by said inspector, and shall be placed to the credit of the general revenue fund.

7693. (SEC. 10.) *Sale of uninspected malt products; penalty.* Any person who shall sell any beer or malt liquors within this state which has not been inspected according to the provisions of this article, or contained in packages which shall not have upon them the certificate of the state inspector, or any person shall fail to destroy said certificate or label after the contents of said package are disposed of, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period of not less than six months, and in addition thereto shall have his license

or other authority, giving him the right to manufacture or sell said liquors in this state revoked, and shall not again receive any such license or other authority for a period of two years thereafter.

7694. (SEC. 11.) *Punishment of delinquent inspector.* If any inspector shall fail to perform any of the duties imposed upon him by this article, or shall in any manner violate any of the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days and by a fine not exceeding one thousand dollars, and if any said inspector shall fail to faithfully perform the duties enjoined upon him by this article he may be removed from office by the governor.

7695. (SEC. 12.) *Prosecutions.* All prosecutions for fines and penalties under the provisions of this article shall be either by indictment or information in any court of competent jurisdiction; and when collected shall be paid one-fourth to the informer and three-fourths into the fund for the construction of public roads and highways in the county in which said offense may have been committed and prosecution begun.

7696. (SEC. 13.) *Inspection of exported malt products.* All beer or other malt liquors manufactured in the state and exported outside of the state for sale, shall be inspected as other liquors designated in this article, but said inspection shall be free of cost to manufacturer.

7697. (SEC. 13a.) *Duplicate bill of lading to be furnished by transportation companies; penalty* Every railroad, express or transportation company, shall, when requested, furnish to the inspector a duplicate bill of lading or receipt showing the name of the consignor and consignee, date, place received, destination and quantity of beer or malt liquors received by them for shipment to any point within this state. Upon failure to comply with the provisions herein, said railroad, express or transportation company shall forfeit and pay to the state of Missouri the sum of fifty dollars for each and every failure, to be recovered in any court of competent jurisdiction. The inspector herein provided for, is hereby authorized and empowered to sue in his own name at the relation and to the use of the state. The penalties collected shall be paid into the state treasury.

(SEC. 14.) *Appropriation.* There is hereby appropriated out of the state treasury, chargeable to the general revenue fund, for the years 1899 and 1900, for the pay of the inspector, six thousand dollars; for the pay of four deputies, twelve thousand dollars; for rent, stationery, fuel, printing, and such other things as may be necessary for the transaction of the business of said inspector, the sum of six thousand dollars.

Approved, May 4, 1899. Laws of 1899, pp. 228-231; Revised Statutes, 1899, vol. 2, pp. 1792-1795.

BREAD.

10089. *Sanitation.* All rooms or buildings occupied as biscuit,^a bread or cake bakeries shall be drained and plumbed in a manner to conduce to the proper and healthful sanitary condition thereof, and constructed with air-shafts, windows or ventilating pipes, sufficient to insure ventilation. The furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper and healthful sanitary condition, and no water-closet, earth-closet, privy or ash pit shall be within or communicate directly with the bake room.

10090. *Storage.* The manufactured flour or meal products shall be kept in perfectly clean, dry and properly ventilated rooms, so arranged that the floor, shelves and all facilities for storing same can be easily and perfectly cleaned.

10091. *Sleeping apartments to be separate.* The sleeping apartments for the persons employed in bakeries or confectionery establishments shall be separate and distinct

^a So in Statutes.

from the room or rooms used for manufacture or storage of flour or meal products or for the storage of flour, meal or other articles used in the manufacture or preparation of such product.

10092. *Diseased persons not to work in bakeries.* No employer shall knowingly require, permit or suffer any person to work in his bake-shop who is affected with consumption of the lungs, or with scrofula or any communicable disease, and every person is hereby required to keep himself in a cleanly condition while engaged in the manufacture or handling of such products.

10093. *Penalty.* Any person who violates any of the provisions of this article, or refuses to comply with the requirements thereof, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than ten or more than one hundred dollars.

10094. *Duty of labor commissioner.* It shall be the duty of labor commissioner or his deputy to see that the provisions of this article are carried into effect, and it is hereby made the duty of the prosecuting attorneys of each county or city in this state to lend all possible aid in all prosecutions for violations of any of the provisions of this article.

10095. *Article to be posted.* A copy of this article shall be kept conspicuously posted in every bake-shop or confectionery establishment in this State.

Revised Statutes 1899, vol. 2, ch. 161, art. 4, pp. 2348-2349.

CANDY.

2279. *Injurious ingredients.* No person shall, by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

2280. *Penalty.* Whoever violates any of the provisions of section 2279 shall be punished by a fine not exceeding one hundred dollars (\$100.00) nor less than fifty dollars (\$50.00). The candy so adulterated shall be forfeited and destroyed under direction of the court.

2281. *State prosecuting attorneys.* It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under section 2279 in all the courts in their respective counties.

Revised Statutes, 1899, vol. 1, p. 630.

DAIRY PRODUCTS.

2276. *Imitation butter and cheese to be so labeled; penalty.* Whoever manufactures out of any oleaginous substances, or any compounds of the same, resembling butter in appearance, manufactured from cattle fat or hog fat, or such substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral, all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annatto and other coloring matter, intestinal fat and offal fat, other than that produced from unadulterated milk or cream from the same, any article designed to take the place of butter or cheese, produced from pure unadulterated milk or cream of the same, or any article made in imitation of butter, or when so made calculated, or intended to be sold as butter or for butter, unless said manufacturers shall pack said imitation substitute in firkins, tubs or wooden or paper packages, with the true name of said imitation substitute clearly and indelibly branded, marked or labeled thereon, or whoever shall sell or offer for sale the same as an article of food, unless said imitation substitute is properly packed in firkins, tubs or wooden or paper packages, with the true name of said imitation sub-

stitute clearly and indelibly branded, marked or labeled thereon shall be guilty of a misdemeanor, and shall on conviction thereof be confined in the county jail not exceeding one year, or fined not exceeding one thousand dollars, or both.

2277. *Use of imitation butter in hotels, etc.; penalty.* Any hotel or boarding house keeper in this state who shall set before his guests at any meal any compound resembling butter in appearance, manufactured from cattle fat or hog fat, or such other articles, known to the trade as oleomargarine and shall not clearly and legibly mark the vessel in which such compound is served with the words "oleomargarine," or "impure butter" shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than one hundred nor more than five hundred dollars.

Revised Statutes 1899, vol. 1, p. 629.

4744. *Imitation butter defined.* For the purpose of this article every article, substitute or compound, other than that produced from pure milk, or cream from the same, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk, or cream from the same, is hereby declared to be imitation butter.

4745. *Animal fat, vegetable oil, and coloring matter in butter substitutes.* No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith or with animal fat or vegetable oil or combination of the two, or with either one, any other substance or substances whatever, any annatto or compound of the same, or any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow, so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed: *Provided*, Nothing in this article shall be construed to prohibit the use of salt and harmless coloring matter for coloring the substitutes for butter manufactured for export or sale outside the state. No person shall, by himself, his agents or employees, produce or manufacture any substance in imitation or semblance of natural butter, nor sell, nor keep for sale, nor offer for sale, any imitation butter made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this state or elsewhere. This section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter, and not manufactured or colored as herein prohibited.

4746. *Brand for butter substitutes.* Every person who lawfully manufactures any substance designed to be used as a substitute for butter shall mark, by branding, stamping or stenciling upon the top and side of each tub, firkin, box or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced in a clean and durable manner, in the English language, the words "Substitute for butter," in printed letters, in plain Roman type, each of which shall not be less than one inch in length and one-half inch in width.

4747. *Transportation of unbranded butter substitutes prohibited.* No person, by himself or another shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter, and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured and marked as provided in the preceding section of this article, and unless it be consigned by the carrier and receipted for by its true name: *Provided*, That this article shall not apply to any goods in transit between foreign states across the state of Missouri.

4748. *Possession of unmarked butter substitutes.* No person shall have in his possession or under his control, any substance designed to be used as a substitute for butter, unless the tub, firkin, box or other package containing the same be clearly and

durably marked, as provided by section 4747 of this article: *Provided*, That this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves and family. Every person having in possession or control of any substance designed to be used as a substitute for butter, which is not marked as required by the provisions of this article, shall be presumed to have known during the time of such possession or control, the true character and name, as fixed by this article of such product.

4749. *Substitute butter sold as genuine.* No person, by himself or another, shall sell or offer for sale any substance designed to be used as a substitute for butter under the name of or under the pretense that the same is butter.

4750. *Penalties.* Every person, firm or corporation who shall violate any of the provisions of sections 4745, 4746, 4747, 4748, and 4749 of this article shall forfeit and pay to the state of Missouri, for the use of the school fund for every such violation, the sum of fifty dollars and costs of suit, to be recovered by civil action in the name of the state of Missouri on the relation of any person having knowledge of the facts before any justice of the peace of the city or county where such violation occurs or any other court of competent jurisdiction, subject to appeal to the circuit court, as in other cases; and it is further enacted that every person, firm or corporation who shall violate the provisions of this article, in addition to the civil liability of the state of Missouri herein provided, shall be deemed guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment not exceeding thirty days, and for each subsequent offense, by a fine of not less than two hundred and fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court.—*As amended March 19, 1901; Laws of 1901, p. 44.*

4751. *Certificate of analysis.* A certificate of an analysis of any dairy product or adulteration or imitation thereof, when duly signed by a professor of chemistry connected with any of the departments of the state university or experiment station shall, when acknowledged by any person authorized to administer an oath, be received in the courts of this state as prima facie evidence of the facts stated therein, in all civil actions, as provided for in section 4750 of this act.—*As amended March 19, 1901; Laws of 1901, p. 44.*

4752. *Party to violation can not bring suit.* No action can be maintained on account of any sale or other contract made in violation of or with intent to violate this article, by or through any person who was knowingly a party to such wrongful sale or other contract.

4753. *Removal of marks, etc.* Whoever shall efface, erase, cancel or remove any mark provided for by this article, with intent to mislead, deceive, or to violate any of the provisions of this article, shall be deemed guilty of a misdemeanor.

4754. *Enforcement of law.* The state board of agriculture shall be and is hereby charged with the enforcement of this article: *Provided*, That all fines collected under the provisions of this article shall be paid into the state treasury. Actions under this article shall be brought in any court of competent jurisdiction.

4755. *"Skimmed milk" or "not full-cream" cheese must be so labeled.* No person or persons, corporation, company or other association or congregation of individuals shall manufacture, sell or offer for sale directly or indirectly, at retail or at wholesale in this state any article to be known or denominated cheese, not made from pure cream or unskimmed milk or cream of the milk, unless such person or persons, corporation, company or association of individuals manufacturing the same, or offering the same for sale, or selling the same, shall brand or label such cheese or article so offered for sale denominated cheese, with black letters not less than one inch in length in a conspicuous place and of large size, in the English language, as follows:

"Skimmed milk cheese," or with the words "not full cream cheese," giving the true name of such article called cheese so manufactured or offered for sale, clearly and indelibly branded, marked or labeled thereon, so that the same can be distinctly read and fully comprehended at all stores or places or factories where the same may be offered for sale.

4756. "*Skimmed milk cheese*" and "*full-cream cheese*" defined. All cheese manufactured, sold or offered for sale in this state at retail or wholesale made from milk or cream of same, which tests not less than three per cent. of butter fat, shall be deemed to be a full cream cheese; and all cheese manufactured, sold or offered for sale at any place or in any manner by any person or persons in this state at retail or wholesale made from milk or cream of same testing less than three per cent of butter fat shall be deemed "*skimmed milk cheese*," or cheese not made from pure unskimmed, unadulterated milk or cream of same.

4757. Penalty. Any person or persons who shall violate any of the provisions of section 4755 or 4756 of this article shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any court of competent jurisdiction, be confined in the county jail not exceeding one year, or fined not less than \$10 nor exceeding \$500, or both.

4758. Transportation of "*skimmed milk*" and not "*full cream*" cheese; penalty. No person by himself or another shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a cheese, not made from pure, unskimmed milk or cream of the same testing at least three per cent butter fat, unless such cheese is marked or labeled "*skimmed milk cheese*," or with the words "*not full cream cheese*" labeled thereon: *Provided*, That this article shall not apply to any goods in transit between foreign states across the state of Missouri. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined a sum not less than \$10 nor more than \$500.

4759. Party to violation of law may not bring suit. No action can be maintained on account of any sale or other contract made with the manufacturer or person offering any cheese for sale in violation of or with intent to violate this article by or through any person who is knowingly a party to such wrongful sale, or other contract for the sale of unbranded skimmed milk cheese or cheese not full cream cheese.

4760. Removal of labels, etc.; penalty. Whoever shall efface, erase, cancel or remove any marks or label on any such article or cheese, provided for by this article, with intent to mislead, deceive or to violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and, on a conviction, be fined in a sum not less than \$50 nor more than \$500.

4761. Enforcement of law. The state board of agriculture shall be and is hereby charged with the enforcement of this article: *Provided*, that all fines collected under the provisions of this article shall be paid into the state treasury. Action under this article may be brought by information or indictment in any court of competent jurisdiction.

Revised Statutes, 1899, vol. 2, arts. 5 and 6, pp. 1129-1131.

6165. Cities may, by ordinance, regulate sale of milk. All cities and towns in the State shall have power, by ordinance, to license and regulate milk dairies and the sale of milk, and provide for the inspection thereof.

Revised Statutes, 1899, vol. 2, p. 1442.

Sec. 1. State dairy commissioner; bond; salary; report. There is hereby created the office of State dairy commissioner and, immediately after this act goes into effect, every two years thereafter, the governor shall, with the advice and consent of the senate, appoint a suitable person, to be known and designated as "State dairy com-

missioner," who shall have a practical knowledge of and experience in the manufacture of dairy products, who shall hold his office for two years from the first day of May, or until his successor is appointed and qualified, subject to removal by the governor for inefficiency, neglect or violation of duty. He shall give bond in the sum of ten thousand dollars (\$10,000), conditioned for the faithful performance of his duties, with sureties to be approved by and filed with the governor. Said commissioner shall receive a salary of two thousand dollars (\$2,000) a year, payable monthly, and his actual necessary traveling expenses while in the discharge of his official duties. He shall make an annual report to the governor not later than January 1 of each year and shall be furnished an office by the state board of agriculture at the seat of the state agricultural college.

SEC. 2. *Deputy commissioner; chemist.* The said commissioner shall have power, when necessary, to appoint a deputy, whose salary shall not exceed \$1,200 per year, and the necessary chemical work of his office shall be done by the chemist of the State agricultural college.

SEC. 3. *Duties of commissioner.* It shall be the duty of the state dairy commissioner to inspect or cause to be inspected all creameries, public dairies, butter and cheese factories at least once a year, and oftener if possible, prescribe such reasonable rules and regulations for their operation as he deems necessary to fully carry out the provisions of laws now in force or that may be hereafter enacted relative to dairy products for the promotion and maintenance of public health and safety; compile and publish, annually, statistics and information concerning all phases of the dairy industry in this state; cooperate with the state board of agriculture in the holding of farmers' institutes, special dairy meetings, and in general strive for the promotion of the best interests of the dairy industry throughout the state. He shall keep on hand a supply of standard test tubes or bottles and milk measures or pipettes adapted to the use of each milk testing machine the manufacturers or dealers of which have filed with the state dairy commissioner a certificate from the director of the Missouri agricultural experiment station that said milk testing machine when properly operated will produce accurate measurements of butter fat, and to furnish same at actual cost to any person desiring them, upon written request therefor, such tubes, bottles, measures and pipettes to be stamped with the letters "S. D. C." as certifying to their accuracy. He shall preserve in his office all correspondence, records, documents and property of the state pertaining thereto and turn over same to his successor. He shall devote his whole time to the duties of his office and, during his term, shall hold no other official or business position nor any professorship in any educational institution.

SEC. 4. *Authority of commissioner—inspections, samplings, reports, examining witnesses, etc.* In the performance of his official duty the State dairy commissioner is hereby authorized and empowered to enter during business hours all creameries, public dairies, butter and cheese factories or other places where dairy products are sold or kept for sale, for the purpose of inspecting same; to take samples anywhere of any dairy product, or imitation thereof, suspected of being made or sold in violation of law, and cause the same to be analyzed or satisfactorily tested by the State agricultural college chemist, and such analysis or test shall be recorded and preserved as evidence, and the certificate of such test, when sworn to by such chemist, shall be admitted in evidence in all prosecutions that may result under the operations of this act; to require the owner, agent or manager of every creamery, public dairy, butter and cheese factory to report annually, on or before September 1st for the year ending July 1st, on blanks to be furnished by the State dairy commissioner, full and accurate information concerning the quantity of milk bought, sold or used, the average price of same, the quantity of butter or cheese produced or sold and the average price of same, the number of cows used in or contributing to the operation of such creamery, dairies and factories; to examine under oath or otherwise any person whom he

may believe has knowledge concerning the unlawful operation of any creamery, public dairy, butter or cheese factory, to issue subpoena requiring the appearance of witnesses and the production of books and papers and administer oaths with like effect as is done in courts of law in this State, and it shall be the duty of any circuit court, or the judge thereof upon the application of said commissioner, to issue an attachment for such witnesses and compel him or them to attend before the commissioner and give testimony upon such matters as he or they shall be lawfully required by such commissioner, and said court or judge shall have power to punish for contempt as in other cases of refusal to obey the orders and processes of the court.

SEC. 5. *Definition; penalty for selling milk containing foreign substances.* The terms "creameries, public dairies, butter and cheese factories," for the purposes of this act, shall be construed to mean such as produce or manufacture dairy products, either genuine or imitation, for sale either at wholesale or retail to the general public, and shall not include farmers or others who produce a small surplus of such products in excess of their family needs. In all prosecutions and proceedings for the enforcement in any of the courts in this State, of all laws and regulations of whatsoever nature now in force, or that may hereafter be enacted pertaining to the production, sale and distribution of dairy products of any kind whatsoever, the standards of purity and the definition of said products, shall be such as are now, or may hereafter be, adopted, recognized and published by the officials of the United States Department of Agriculture, and whosoever shall sell, or offer or expose for sale anywhere in this state milk or cream containing any foreign substance or preservative of any kind whatsoever injurious to health, shall be guilty of a misdemeanor, and on conviction be find not less than ten dollars, nor more than one hundred dollars for each offense.

SEC. 6. *Penalty for hindering execution of law.* Any person or persons, firm or corporation who shall hinder or obstruct, or in any way interfere with the said state dairy commissioner or his deputies while discharging the duties of inspection, or who fail or refuse to make the reports provided for by section 4 of this act, shall, on conviction, be fined not less than ten nor more than one hundred dollars, or imprisonment in jail not less than ten nor more than ninety days, or by both such fine and imprisonment.

SEC. 7. *Appropriation.* For the purpose of carrying into effect the provisions of this act there is hereby appropriated out of the state treasury, chargeable to the general revenue fund, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary for paying the salary of the state dairy commissioner and his assistant, and the necessary traveling and printing expenses of same for the years 1905 and 1906.

SEC. 8. *Emergency.* The advancement of the interests of the dairy industry as contemplated by this act, creates an emergency within the meaning of the constitution; therefore, this act shall take effect and be in force from and after its passage.

SEC. 9. *Repeal.* All laws and parts of laws of whatsoever nature, in conflict or inconsistent or repugnant to the provisions of this act are hereby repealed.

Approved April 8, 1905. Laws of 1905 (H. B. 300), pp. 133-135.

FLOUR, GRAIN, ETC.

8501. *Mixed grains to be branded.* No person shall sell or offer for sale any flour, meal, grits or hominy made from the admixture or adulteration of grains, unless there shall have been first branded upon each of the barrels or packages containing the same, the kind of grains composing said admixture, the quality and weight thereof, and the name and place of business of the person manufacturing the same:

Provided, always, That the admixture of the several grades or kinds of wheat shall not be construed to be mixed or adulterated grains.

8502. Defacing of brands. No person shall deface, remove, obliterate or destroy, or cause the same to be done, any brand or mark placed upon any package or barrel of flour, meal, grits or hominy by the manufacturer thereof, with the intent to replace the brand so erased and removed by another and different brand from that of the manufacturer; and it shall not be lawful for any person to rebrand any such package or barrel so long as the contents thereof remain the same.

8503. Brands to be filed and acknowledged. No person shall manufacture any flour, grits, hominy or meal until he shall have filed with the recorder of deeds of the county in which his business is conducted, and acknowledged the same as deeds to lands are required to be acknowledged, a fac simile of each of the brands he intends to use, which shall contain the colors to be used in applying the same, the weight and quality of the flour, grits, hominy or meal, and the name of the manufacturer thereof, or of some person in his employ, and the state or town or place and the mill where manufactured. Should any manufacturer claim any of his said brands, or any part of the same, as a trade mark, the said recorder shall record his claim, and thereafter it shall not be lawful for any other person to use such brand: *Provided, always,* That this section shall not be construed to interfere with the right to any brand or trade mark copyright or patented in pursuance of an act of Congress.

8504. False brands. No person within this state shall use the name of a mill or a brand upon any barrel or package containing flour made from grains, or the admixture of grains, unless the same shall belong, bona fide, to the person using the same, nor unless the flour upon which the same may be used was manufactured by the owner of such mill or brand.

8505. Record of brands. It shall be the duty of each recorder of deeds within the state to keep a book in his office, in which to record the flour brands provided for in section 8503, and a certified copy of any such record, by the recorder, shall be evidence in all courts of the making and filing and contents thereof.

8506. Penalty. Any person doing any of the acts in this article prohibited, or omitting to do any of the acts herein commanded, shall be guilty of a misdemeanor, and for each and every offense shall be punished by a fine of not less than twenty nor more than two hundred dollars, one-half of which shall be paid to the person who shall be named as prosecuting witness.

Revised Statutes, 1899, vol. 2, p. 1992.

10578. Label showing weight; penalty. A barrel of flour shall consist of 196 pounds net; a sack of flour shall consist of 98 pounds net; a half sack of flour shall consist of 48 pounds net; a quarter sack of flour shall consist of 24 pounds net; no manufacturer or dealer in flour shall sell flour in barrels, sacks, half sacks or quarter sacks containing a less amount of flour than the amounts above specified. Before any barrel, sack, half sack or quarter sack of flour shall be sold, the number of pounds therein contained shall be plainly labeled or stamped thereon. Any person who shall sell any package of flour which shall be stamped or labeled with a greater number of pounds, net than such package actually contains or who shall put up or sell flour in any manner contrary to the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Revised Statutes 1899, vol. 2, ch. 173, sec. 10578, p. 2448.

VINEGAR.

2282. (1) *Imitation or adulterated cider vinegar; penalty.* That any person who manufactures for sale, or offers or exposes for sale as cider vinegar, any vinegar not the legitimate product of pure juice, known as apple cider, or vinegar not made exclusively of said apple cider or vinegar, into which foreign substances, drugs or acids have been introduced, as may appear on proper tests, shall be deemed guilty of a misdemeanor, and, upon conviction thereof be punished for every offence by fine of not less than fifty dollars, nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not to exceed ninety days.

2283. (2) *Artificial coloring or flavoring; false branding.* All vinegar sold or offered for sale, exchange or delivery shall be without artificial coloring or flavoring; and no person by himself or by his agent or employe shall sell or offer for sale, exchange, deliver, or knowingly have in his custody or possession, with intent to sell or exchange, or expose or offer for sale or exchange, any vinegar labeled or branded as cider vinegar, or as apple vinegar, which is not the legitimate product of pure apple juice or that is not made exclusively from apple cider.

2284. (3) *Branding; inspection.* Every person making or manufacturing apple, cider, or other fruit vinegar, for sale shall brand on both heads of each cask, barrel, or keg, containing such vinegar, the name and location of the manufacturer or firm, and also the name of the fruit out of which the vinegar is made; and where there are inspectors of food products, vinegar shall be one of the articles under supervision of such inspector, with power to inspect and seize any that may be found fraudulent, and in violation of sections 2282, 2283, 2284, and 2285.

2285. (4) *Branding of "fruit vinegar;" penalty.* No vinegar shall be branded "fruit vinegar," unless the same shall be made wholly from apples, grapes or other fruits; and any person who shall knowingly brand, label or sell, or offer for sale as such "fruit vinegar," any vinegar not made wholly from apples, grapes or other fruit, or who shall violate any one of the foregoing sections, shall be deemed guilty of a misdemeanor and be punished as provided in section 2282.

Approved April 1, 1891. Revised Statutes, 1899, vol. 1, pp. 630-631.

MONTANA.

With the exception of the milk and meat inspectors in certain counties (see page 341), no officer is specially charged with the enforcement of the food laws of this State.

GENERAL FOOD LAWS.

682. *Adulterated or diluted food and drugs.* Every person who adulterates, or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article used in compounding them, with a fraudulent intent, to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

683. *Spoiled or unwholesome food.* Every person who sells, or keeps for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome, or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor.

Penal Code, 1895, p. 863.

677. Every person who wilfully violates any of the laws of this State, relating to the preservation of the public health, is, unless a different punishment is prescribed by this Code, punishable by imprisonment in the county jail not exceeding one year or by fine not exceeding one thousand dollars, or both.

Annotated Codes 1895, vol. 2; Penal Code, title 10, p. 861.

CANDY.

702. *Injurious ingredients.* Every person who shall, by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the mixture of terra alba, barytes, talc or any mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health, is guilty of a misdemeanor.

As amended Feb. 22, 1899, Session Laws, 1899, p. 151; Penal Code, 1895, p. 865.

DAIRY PRODUCTS.

1095. *Care of cows.* Every person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is punishable by imprisonment in the county jail not exceeding three months or by fine not exceeding two hundred dollars, or both.

Penal Code, 1895, vol. 1, p. 917.

4064. License for sale of imitation butter and cheese. Every person, company or corporation selling oleomargarine, butterine, or imitation of cheese shall pay a license of ten cents per pound for all these articles sold.

Political Code, 1895, vol. 2, subsec. 13, p. 557.

684. Branding of imitation butter and cheese. Every person who manufactures for sale, or offers or exposes for sale, or has in his possession, with intent to sell, any article or substance in resemblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk or cream, or into which the oil or fat of animals not produced from milk, enters as a component part, or into which the oil or fat of animals not produced from milk has been introduced to take the place of cream, must distinctly stamp, brand or mark in some conspicuous place upon every firkin, tub or package of such article or substance, in plain letters not less than one-fourth inch square each, the word "Oleomargarine," or the words "Imitation cheese," as the case may be; and in the retail sale of such article or substance, in parcels or otherwise, the seller must deliver to the purchaser therewith, a printed label, bearing the plainly printed word or words "Oleomargarine" or "Imitation cheese," plainly marked as aforesaid.

685. Placard to be displayed. Every person dealing in the article or substance described in the next preceding section, and every hotel, restaurant, or boarding house keeper, using such article or substance in his business, must continuously and conspicuously keep posted up in not less than three exposed positions, in and about his place of business, a printed notice in the following words: "Oleomargarine" or "Imitation cheese" "sold (or used) here," which notice must be plainly printed with letters not less than two inches square each, and must upon the furnishing the article or substance to his customers or guests, if inquiry is made, distinctly inform each of them that the article furnished is not butter or cheese the genuine product of the dairy, but is oleomargarine or imitation cheese.

686. Penalty. Every person, and every officer or agent, of any corporation who violates any of the provisions of the last two preceding sections, is punishable by imprisonment in the county jail not exceeding one month or by fine not exceeding one hundred dollars.

Penal Code, 1895, vol. 1, p. 863.

MEAT AND MILK.

SEC. 1. Office of county meat and milk inspector created. The office of Meat and Milk Inspector is hereby created in the State of Montana for the Counties of the first, second and third class, and immediately on the passage of this Act, the President and Secretary of the State Board of Health and the State Veterinarian shall appoint a Meat and Milk Inspector for the Counties of the first, second and third class, and when deemed necessary by the President and Secretary of the State Board of Health and the State Veterinarian, or upon the request of one hundred tax payers in the Counties of the fourth, fifth, sixth and seventh classes, they shall then appoint a Meat and Milk Inspector for said Counties of the fourth, fifth, sixth and seventh classes.

SEC. 2. Reports. Such Meat and Milk Inspectors shall be designated Deputy State Veterinarians, and shall make report at the end of each calendar month to the State Veterinarian of all things pertinent to their office, and shall also make an annual report at the end of the Fiscal year, addressed to the State Veterinarian.

SUB-DIV. 1. Salaries. Said Inspectors of the Counties of the first class shall receive an annual salary of Two Thousand Dollars (\$2,000.00);

Inspectors of the second class Counties shall receive One Thousand Five Hundred Dollars (\$1,500.00) annually; Inspectors of the third class Counties shall receive One

Thousand Two Hundred Dollars (\$1,200.00) annually; Inspectors of the fourth class Counties shall receive One Thousand Dollars (\$1,000.00) annually; Inspectors of the fifth class Counties shall receive Seven Hundred and Fifty Dollars (\$750.00) annually; and Inspectors of the sixth and seventh class Counties shall receive Six Hundred Dollars (\$600.00) annually, to be paid out of the general State fund monthly.

SUB-DIV. 2. *Qualifications for inspector.* No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable Veterinary Medical College, or of some regular and reputable Medical College, or of a Medical Department of a University, and must be registered and admitted to practice in the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduate, and if deemed necessary by the above mentioned board, he shall pass an examination before said Board upon the specialty of Meat and Milk Inspection.

SEC. 3. *Supervision and removal of inspectors.* All Inspectors appointed by the above mentioned Board shall be under the direct supervision of the State Veterinary Surgeon, and for cause may be removed at any time by said Board, consisting of the President and Secretary of the State Board of Health and the State Veterinarian.

SUB-DIV. 4. *Standard of meat inspector.* The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry of the United States Government, supplemented by any rules deemed necessary by the aforementioned Board, shall be taken as the standard of Meat Inspection, and shall be followed as closely as may be consistent by said Meat and Milk Inspectors appointed by said Board, provided said Inspectors are hereby empowered to enter any premises or any place whatsoever where animal food products are kept for sale, slaughter houses, markets, stores, or any building or premises of whatsoever character necessary for him to visit in the performance of his duties.

SEC. 5. *Condemning and destroying of meat, etc.* The Meat and Milk Inspector appointed by said Board shall have the right to condemn any meat, carcasses, or parts of carcasses, poultry or fish, or parts thereof, or all cattle, sheep, swine, poultry, fish, or any domestic animal, whatsoever, intended for food for human consumption, which is found, after examination, to be unfit for food, and it shall be said Inspector's duty to destroy all such contaminated meat or poultry or fish by slashing said meat or muscular tissue, or poultry or fish, or carcass, or parts of carcasses of any domestic animal whatsoever, in numerous places, with a knife, and into such incisions said Inspector shall then pour or inject with a suitable syringe sufficient kerosene to taint such meat or food product, and make it impossible to be used for human consumption.

SEC. 6. *Inspection license; disposition of fees.* Any person, persons, or corporations selling or dealing in fresh meats, fish and poultry, in Counties in which a Meat and Milk Inspector is appointed, shall annually, before the first day of June, register in the books of such inspector, and shall pay an inspection license to such Meat and Milk Inspector in the sum of Fifteen Dollars (\$15.00) per annum, payable quarterly in advance, and each and every wholesale and retail dealer handling, selling or dealing in fresh fish and poultry where fresh meats are not sold or dealt in, shall pay an inspection license to such Meat and Milk Inspector in the sum of Four Dollars (\$4.00) per annum, quarterly in advance, and all moneys so collected by said Inspector shall be by him paid into the State Treasury, quarterly, as received, to be turned into the general fund, and receipted therefor by the Treasurer to such Inspector.

SEC. 7. *Diseased animals.* It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away, for the purpose of food, any animal suffering from hog cholera, swine plague, charbon or anthrax, rabies, malignant epizootic, catarrh, pyaemia or septicæmia, mange or scab, in advanced stages, actinomycosis, or lump jaw, inflammation of the lungs, the intestines or peritoneum, Texas fever, extensive or generalized tuberculosis, animals in an advanced stage of pregnancy, or which

have recently given birth to young, any disease or injury causing an elevation of the temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abscess, suppurating sores or tape worm cyst, poultry or fish or other animal food products in a decaying or putrid condition; or poultry suffering from tuberculosis or other general disease, animals too young and immature to produce wholesome food; animals too emaciated and anaemic to produce wholesome meat, distemper, glanders and farcy, or any other malignant disorder, acute inflammatory lameness and extensive fistula.

SEC. 8. *Meat already inspected.* Nothing in this Act, or any paragraph thereof, shall be so construed as to interfere with the offerings for sale of any wholesome meats, bearing the stamp or tag indicating that the same has been inspected by the United States Bureau of animal industry, or of any State or County, or municipal inspector; *Provided, however,* That if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition, it shall be said Inspector's duty to inspect such meat whenever complaint is made to him relative thereto, or he personally has reason to believe that such conditions exist, and should he find such meat in a putrid, decaying condition, or preserved by chemical preservatives, or in any condition making it unwholesome for human consumption, it shall then be his duty to destroy such meat, as is herein provided.

SEC. 9. *Inspection of dairies; certificates.* It shall be the duty of such Meat and Milk Inspector to inspect each dairy supplying milk to the public in his County for human consumption not less than once in every month during the calendar year, and it shall be the duty of such Inspector to issue to each person or persons, or corporations supplying milk to the citizens of such Counties of the State of Montana, a certificate of health every ninety days, which certificate of health shall include a certificate of the sanitary condition of such dairy.

SEC. 10. *Health certificate for cows.* It shall be unlawful for any person or persons, company or corporation, to feed unwholesome food of whatsoever character to his dairy cows. Each dairyman, person, persons, company or corporation, supplying milk to the public, must have for each cow, his certificate of health, including the tuberculin test made by said inspector, stating that each cow is free from tuberculosis or consumption, or any other infectious disease whatsoever.

SEC. 11. *Cleanliness of dairy utensils, etc.* Whenever in the observation of the Meat and Milk Inspector, proper cleanliness of vehicles, utensils, pails, pans, or other utensils, used in the accumulating, handling or marketing of said milk is not up to the proper standard, it shall be the Inspector's duty to prohibit the said person or persons or corporation from selling said milk, until such time as proper methods of cleanliness and precautions are used in the handling of said milk.

SEC. 12. *Cleanliness of cow barns.* All persons or corporations engaged in the dairy business and supplying milk to the citizens of the State of Montana, shall keep their barns or stables free from filth or manure or other substances likely to harbor or favor the growth of disease producing germs therein, or about their stables or barns likely to be carried in, or to contaminate such milk or dairy product.

SEC. 13. *Improperly fed cattle.* Any resident of the State of Montana, to whose knowledge or observation comes the fact that any dairyman, person or persons, or corporation, is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse, or any improper food of any character whatsoever, it shall be his duty to at once notify said Inspector of such County, who shall at once visit the premises or place indicated, and if he finds said complaint true, it shall then be said Inspector's duty to at once prohibit the future selling of the product of said dairy, or dealer, or corporation, and to at once file an information against said dairyman, person or persons, corporations or dealer.

SEC. 14. *Inspection authority; sampling.* Such inspector shall keep in his book of records kept for the purpose the names and place of business of all persons engaged in the sale of milk and cream within the County, and the Inspector is hereby empowered to enter all places in which milk, cream, or dairy products are stored or offered for sale, and all vehicles used for the conveyance of milk or cream, and may take therefrom samples for analysis.

SUB-DIV. 1. *Portion of sample to be given to owner.* The inspector shall, upon request made at the time such sample is taken, take, seal and deliver to the owner or person from whose possession the milk or cream or dairy products are taken, a portion of each sample, and a receipt therefor shall be given.

SUB-DIV. 2. *Analyses.* The inspector shall analyze such sample, or otherwise satisfactorily test the same, and shall record and preserve such record as evidence of the result thereof, but no evidence of the result of such analysis or test shall be received if the Inspector, on request, refuses or neglects to seal and deliver a portion of the sample, taken as aforesaid, to the owner or person from whose possession it is taken.

SEC. 15. *License for milk wagons.* Any person, persons, or corporation, in Counties in which a Meat and Milk Inspector is appointed, who conveys milk or cream in vehicles of any character whatsoever, for the purpose of selling it in such Counties, shall annually, before the 1st day of June, be licensed by the Meat and Milk Inspector of said County to sell milk and cream within the limits thereof, and shall pay to such Inspector for each and every vehicle of whatsoever character used in the sale or delivery of such milk or cream or dairy product, the sum of Twelve Dollars (\$12.00) per annum, payable quarterly in advance, which sums shall be paid into the State Treasury by such Inspector, quarterly, as received, to be turned into the general fund, and receipted therefor by said Treasurer to said Inspector.

SUB-DIV. 1. *License in name of owner.* Licenses shall be issued only in the name of the owner of the vehicles, carriages or other conveyances.

SUB-DIV. 2. *License not transferable.* Such license shall, for the purposes of this Act, be conclusive evidence of ownership, and shall not be assigned or transferred.

SUB-DIV. 3. *Data in license.* Each license shall contain the number thereof, the name, the residence, the place of business, the number of vehicles used by the person, persons, or corporations, and the name of every driver or other person employed by the owner or owners in carrying, conveying or selling milk or cream.

SUB-DIV. 4. *Number of license, etc., on vehicles.* Each person, persons, or corporations shall, before engaging in the sale of milk or cream, or dairy products of any character whatsoever, cause his name and number of his license to be placed legibly on each outer side of all carriages or vehicles or conveyance of whatsoever character used by him in the conveyance for sale of milk or cream.

SUB-DIV. 5. *Name and place of sale must be registered.* Every person or persons, company or corporation, before selling milk or cream, or offering the same for sale in a store, booth, stand, market place, depot, or any place whatsoever, in a county in which a Meat and Milk Inspector is appointed, shall register in the books of such Inspector his or her name, or the name of the company or corporation, and proposed place of sale.

SUB-DIV. 6. *Exemptions.* Nothing in Section 15, with the exception of Sub-Division five, shall be construed to apply to dairies milking five cows, or less.

SEC. 16. *Dirty, adulterated, unwholesome or skimmed milk.* Any person or persons, or servant or agents, or any other person who sells, exchanges, delivers, gives away, or has in his custody or possession, with intent to sell, exchange, or deliver, or give away or expose, or offer for sale or exchange adulterated milk or cream, or milk or cream containing filth or dirt, or milk or cream to which water, boracic acid, salt, salicylic [salicylic] acid, and salicylate [salicylate] of sodium, formaldehyde, formaline, cornstarch, gelatine, isen-glass [isinglass], coloring matter, or any other extra-

neous substance has been added, or milk produced from cows which have been fed on swill or other improper food, or from sick or diseased cows, or whole milk from which the cream, or a part thereof, has been removed, and whosoever sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, deliver or give away, skimmed milk, containing less than nine per cent of milk solids, exclusive of fat, shall be deemed guilty of a misdemeanor, and shall be punished, as provided in Section 23 of this Act.

SEC. 17. *Standard milk and cream.* On any prosecution under the provisions of this Act, milk upon which analysis is shown to contain less than twelve per cent of total solids, or less than nine per cent of solids exclusive of fats, or less than three per cent of fat, shall not be considered milk of good standard quality, and cream containing less than fifteen per cent of fat, which shall be the standard of quality for the State of Montana, shall not be considered cream of good standard quality.

SEC. 18. *Handling milk below standard.* It shall be unlawful for any person or persons, company or corporations, by his or their servant or servants, agent or agents, or as the servants or agents of any other person, persons or corporation, to sell or offer for sale, exchange, or deliver, or give away, or have in his or her custody or possession, with intent to sell, exchange or deliver, milk or cream, which is not of good standard quality, as above prescribed.

SEC. 19. *Skimmed milk must be labeled.* Any person, persons, or corporation, who, by his or their agent or agents, sells, exchanges, gives away, or delivers, or has in his custody, with intent to sell, exchange or deliver milk, from which the cream or part thereof has been removed, not having the words "Skimmed Milk" distinctly marked on a light ground in plain, dark, uncondensed Gothic letters, at least one inch in length, in a conspicuous place upon every receptacle, can or package, from, or in which such milk is contained, or is intended to be sold, exchanged, given away, or delivered, shall be punished, as provided in Section 23 of this Act.

SUB-DIV. 1. *Tag labels.* If such receptacle, can or package is of capacity of not more than two quarts, the said words may be placed upon a detachable label or tag attached thereto, and said letters may be less than one inch in length.

SUB-DIV. 2. *Skimmed milk defined.* Any milk found in such receptacles, vessels or cans, containing more than one per cent of butter fat, shall not be considered, within the meaning of this Act, "Skimmed Milk."

SEC. 20. *Counterfeit seals, etc.* It shall be unlawful for any person or persons, company or corporation, to cause, to make, or cause to be made, or use or have in his or her, or their possession, an imitation or counterfeit of a seal used by the Meat and Milk Inspector in the inspection of milk or cream, or to change, or tamper with the samples taken or sealed by the said inspector.

SUB-DIV. 1. *Obstructing execution of law.* It shall be unlawful for any Meat or Milk Inspector, his servant or agent, to willfully obstruct or assist in the violation of the provisions of this Act, or whoever hinders, obstructs or interferes with the Meat and Milk Inspector, or his servant or agent, in the performance of his duty, shall be guilty of a misdemeanor.

SUB-DIV. 2. *Contaminated water given cows.* The Inspector shall prohibit the sale of milk by any person, persons, company, or corporation supplying milk or cream or dairy products from cows that are permitted to drink contaminated or unwholesome water, of any character whatsoever.

SEC. 21. *Additional rules.* The President and Secretary of the State Board of Health and the State Veterinarian, are hereby empowered to establish any further rules and regulations necessary for the efficient management and carrying out of said inspection, and the regulations of the Inspectors themselves.

SEC. 22. *Appropriations for supplies and apparatus.* There is hereby appropriated the sum of One Thousand Dollars (\$1,000.00) for the purpose of buying such chemical and other apparatus as may be absolutely necessary for the purpose of each Inspector

in the chemical examination of meat and milk, together with buying and supplying such inspectors with the necessary record books, tags, labels, brands or marks, designated by the State Veterinarian, to be paid for on approval of said Board out of the said funds. Said apparatus shall be purchased by the President and Secretary of the State Board of Health and State Veterinarian, and be supplied to each County Meat and Milk Inspector, provided, that no money shall be paid out of this fund. except on the approval of said Board, and for the purposes above mentioned.

SEC. 23. *Penalties.* Any person or persons, company or corporation, who violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not less than Five Dollars (\$5.00), nor more than Three Hundred Dollars (\$300.00), or imprisonment in the County Jail not less than ten, or more than ninety days, for each separate offense, or by both such fine and imprisonment, and the continuance of such offense for any day shall be deemed a separate offense.

SEC. 24. *Inspector's oath and bond.* Immediately after the appointment, and before taking office, each Inspector shall file with the Secretary of the State an oath of office, subscribed to by him, and a bond for a sum equal to his annual salary, for the faithful performance of his duty. Said bond shall be furnished with good and sufficient sureties, and be approved by the Secretary of State.

SEC. 25. *Repeal.* All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 26. *Date of effect.* This Act shall take effect and be in force from and after its passage.

Approved March 7, 1903. Laws of 1903, ch. 120, p. 226.

WATER.

676. *Pollution.* Every person who puts the carcass of any dead animal, or the offal from any slaughter-pen, corral or butcher shop, into any river, creek, pond or reservoir, stream, street, alley, public highway or road in common use, or who attempts to destroy the same by fire within one-fourth mile of any city, town or village, and every person who puts the carcass of any dead animal, or any offal of any kind in or upon the borders of any stream, pond, lake or reservoir, from which water is drawn for the supply of the inhabitants of any city or town in this State, so that the drainage from such carcass or offal may be taken up by or in such stream, pond, lake or reservoir, or who allows the carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any such stream, pond, lake or reservoir within the boundaries of any land owned or occupied by him, or who keeps any horses, mules, cattle, swine, sheep or live stock of any kind, penned, corralled or housed on, over or on the borders of any such stream, pond, lake, or reservoir, so that the waters thereof shall become polluted by reason thereof, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in § 677 of this code. [See p. 340.]

Annotated Codes 1895, vol. 2; Penal Code, title 10, p. 862.

NEBRASKA.

The food laws of the State are administered by a deputy food commissioner with the approval of the governor, who is *ex officio* food commissioner.

GENERAL FOOD LAWS.^a

3666. (1) *Food commission.* There is hereby created a Food Commission, with headquarters at the Capitol, for which office-room, stationery, postage, expressage, printing, and other and usual facilities for transacting business shall be furnished, the same as for other executive departments.

3667. (2) *Food commissioner and deputy.* The Governor of this State is hereby made the Food Commissioner of said Food Commission. Said Food Commissioner shall have the power to appoint a Deputy Food Commissioner at a salary of Fifteen Hundred Dollars (\$1,500.00) per annum, payable monthly, together with his expenses actually and necessarily incurred in discharging the duties of his office. It is further provided that a complete and itemized account of all expenses shall be kept by said Deputy Food Commissioner and filed monthly with the Auditor of Public Accounts after being duly verified by him. Said Deputy Food Commissioner shall hold his office at the pleasure of the Governor, and when acting for and instead of said Food Commissioner, shall and may exercise equal power and authority subject to the approval of the said Food Commissioner. The Deputy Food Commissioner so appointed shall be a person of recognized standing, experience, ability and knowledge in and concerning dairy and other food products.

3668. (3) *Bond; annual report.* The said Deputy Food Commissioner shall, before entering upon the discharge of his duties, give a bond in the sum of three thousand dollars (\$3,000) with sureties as provided by law, to be approved by the Governor and conditioned for the faithful discharge of his duties and the accounting for all money and other property that may come into his hands by virtue of his office. The said Deputy Food Commissioner may employ a clerk, if found necessary, whose salary shall not exceed Seventy-five Dollars (\$75) per month.

The said Deputy Food Commissioner shall make an annual report to the Governor, same as other state officers, on or before the first day of November, of each year, giving in a concise manner, in said report, a full statement of the condition of the food and dairy interests of the state, and making such recommendations as he may deem best to improve the same; including receipts and disbursements of his office; and such report shall be printed and published and distributed same as reports of other state officers.

3669. (4) *Enforcement of food laws; dairy laws; sampling for analysis.* The said Food Commission, through its duly accredited officers, shall be charged with the enforcement of this act and all other acts and laws heretofore passed, or that may hereafter be passed concerning butter, cheese, "imitation butter," "imitation cheese," milk and cream, vinegar, cider, and all laws concerning dairy products, cider or vinegar, or any imitation or adulteration thereof. The said Food Commissioner shall have control over the subject of testing milk and cream in the state of

^a Food commissioner's duties as to dairy products and vinegar included.

Nebraska, on the farm, in the factory, skimming station, milk or cream depot, milk or cream wagon, or any other place where milk or cream is bought or sold, and may make such regulations concerning the subject of testing milk and cream as he may deem reasonable and just, and shall have power to establish a minimum standard of butter fat in milk and cream. The said Food Commission and its duly accredited officers, such as shall be duly authorized for the purpose, shall have full access, ingress and egress to all creameries, cheese factories, skimming stations, cider manufactories, vinegar manufactories, farms, buildings, carriages, cars, vessels, packages or cans, used in the manufacture or sale of any dairy product, cider or vinegar, or any imitation thereof. They shall also have power and authority to open any package, can or vessel containing such dairy product, cider or vinegar, or any imitation or adulteration thereof which they may have reason to believe may be manufactured, sold or exposed for sale in violation of the provisions of this act or other acts in relation thereto, and may inspect the contents therein, and may take therefrom samples for analysis, and have the same analyzed by a competent chemist, for which the chemist shall be allowed a reasonable fee not to exceed Five Dollars (\$5.00) for each analysis, and the findings of such chemist shall be taken as prima facie evidence in court, and in all prosecutions under this act when such analysis has been made and given in evidence, the said fees and expenses of the chemist making the same, shall be taxed as costs in the case, the same as other costs are taxed. All persons knowingly violating this act shall be dealt with as provided in this act.

3670. (5) *Monthly reports from makers of imitation butter and cheese.* Every person, firm or corporation in this state manufacturing or dealing excepting retailer in "imitation butter" or "imitation cheese," or both, shall, on or before the tenth day of each month, on blanks provided by said Food Commissioner, make a report in writing to said Food Commissioner, showing the amount of "imitation butter" or "imitation cheese," or both, sold by them during the preceding month, size of packages used, to whom and when sold, business location of the purchaser, amount of "imitation butter" or "imitation cheese," or both, on hand at the close of the month's business, and such other items and facts as may be required by said Food Commissioner, verifying the same under oath, and specifying particularly that they have complied with all the state laws in regard to such "imitation butter" or "imitation cheese," or both, as the case may be; provided, that the retailer shall not be required to state to whom sold nor location of the purchaser.

3671. (6) *Makers and dealers in imitation dairy products defined; wholesale and retail dealers defined; also "creamery," "cheese factory," and "skimming station."* Every person, firm or corporation who in any manner produces "imitation butter" or "imitation cheese," or both, as the same is now defined, or may hereafter be defined in the statutes of this State, shall be considered a manufacturer of "imitation butter" or "imitation cheese" or both. Every person, firm or corporation who sells or offers for sale, or has in his possession for sale "imitation butter" or "imitation cheese" or both, as the same is now defined in the statutes of this State, or hereafter may be defined, in packages containing ten pounds or more, shall be deemed a wholesale dealer in "imitation butter" or "imitation cheese" or both, as the case may be. Every person, firm or corporation who sells or offers for sale, or has in his possession for sale, "imitation butter" or "imitation cheese" or both, as the same is now defined or may hereafter be defined in the statutes of this state, in packages containing less than ten pounds each, shall be deemed a retail dealer in "imitation butter" or "imitation cheese" or both. Every person, firm or corporation buying, re-working and handling the product commonly known and called "store" or "dairy" butter, and making out of the same what is generally known and termed "ladle" or "factory" butter, shall be deemed a manufacturer of "ladle" butter. Every person, firm or corporation, buying and selling butter or cheese or both, in original packages not of his own production, whether on commission or

otherwise, shall be deemed a wholesale dealer in butter or cheese or both, as the case may be. Every person, firm or corporation who manufactures or sells annually fifty or more barrels of cider, as defined in chapter three (3) of the session laws of 1897, shall, for the purposes of this act, be deemed a wholesale dealer in cider. Every person, firm or corporation who manufactures or sells annually fifty (50) or more barrels of adulterated cider, as defined in chapter three (3) of the Session Laws of 1897, shall, for the purposes of this act, be deemed a wholesale dealer in adulterated cider. Every person, firm or corporation who manufactures or sells annually fifty (50) or more barrels of cider vinegar, as defined in chapter four (4) of the session laws of 1897, shall, for the purposes of this act, be deemed a wholesale dealer in cider vinegar. Every person, firm or corporation who manufactures or sells annually fifty (50) or more barrels of the so-called "grain" vinegar, "wine" vinegar or "fruit" vinegar, as defined in chapter four (4) of the sessions laws of 1897, shall for the purposes of this act, be deemed a wholesale dealer in the so-called "grain" vinegar, "wine" vinegar or "fruit" vinegar. For the purposes of this act, a creamery shall be defined as "a factory where cream from milk, with or without the addition of salt and coloring matter, is churned into butter." A cheese factory shall be defined as "a factory where milk, with or without the addition of salt, rennet and coloring matter, is manufactured into cheese. A "skimming station" shall be defined as "a place where milk, from not less than five patrons, is skimmed by machinery and the cream resulting therefrom is taken to a creamery to be churned."

3672. (7) *Permits for handling imitation butter, cider, vinegar; inspection.* It shall be unlawful for any manufacturer, wholesale or retail dealer in "imitation butter" or "imitation cheese" or both, to enter upon or engage in the business of producing, manufacturing, handling, or having in his possession for sale, or selling "imitation butter" or "imitation cheese" or both, without first procuring from said Food Commissioner an annual permit, said permit describing the occupation and place of business of the person, firm or corporation receiving the same, and conditioned on a faithful observance of the laws of the state by him: *Provided*, That any manufacturer of "imitation butter" or "imitation cheese" or both, who sells only "imitation butter" or "imitation cheese" or both, of his own production at the place of manufacture in the original packages shall not be required to take out a permit as a wholesaler. It shall be unlawful for any person, firm or corporation to manufacture "ladle" butter or to carry on the business of manufacturing "ladle" butter to carry on business as a wholesale dealer in butter or cheese, or both, or as a wholesale dealer in cider, or as a wholesale dealer in adulterated cider, or as a wholesale dealer in cider vinegar, or as a wholesale dealer in so-called "grain" vinegar, "wine" vinegar or "fruit" vinegar, or to operate any creamery or cheese factory or skimming station, or to do any business in producing, manufacturing, handling, or selling the product so made, without first procuring from said Food Commissioner an annual permit, said permit describing the occupation and place of business of the person, firm or corporation receiving the same and conditioned on a faithful observance of the laws of the state by him. All applications for permits under this act, shall be in writing addressed to the said Food Commissioner, verified by the applicant stating that after this act shall become a law he has not violated any of the provisions of this act.

It is further provided that the said Food Commission through its accredited officers, shall have the right at any and all times to inspect the premises, methods, and processes of any creamery, cheese factory, skimming station, manufacturer of ladle butter, wholesale dealer in butter or cheese, or both, manufacturer of cider, manufacturer of adulterated cider, manufacturer of cider vinegar, manufacturer of "grain" "wine" or "fruit" vinegar, wholesale dealer in cider, wholesale dealer in adulterated cider, wholesale dealer in cider vinegar, wholesale dealer in "grain" vinegar,

"wine" vinegar or "fruit" vinegar; manufacturer of "imitation butter" or "imitation cheese" or both, wholesale dealer or retail dealer in "imitation butter" or "imitation cheese" or both within this state, within the provisions of this act or other acts relating to dairy products, cider or vinegar or any imitation or adulteration thereof.

3673. (8) *Cost of permits.* For said permits and the services performed in connection therewith, including the inspection as provided by this act, there shall be charged and collected annually as follows: From each manufacturer of "imitation butter" or "imitation cheese" the sum of One Hundred Dollars (\$100.00); from each wholesale dealer in "imitation butter" or "imitation cheese" Fifty Dollars (\$50.00); from each retail dealer in "imitation butter" or "imitation cheese" Twenty-five Dollars (\$25.00); from each wholesale manufacturer or wholesale dealer in adulterated cider, Fifty Dollars (\$50.00); from each manufacturer or wholesale dealer in so-called "grain" vinegar, "wine" vinegar or "fruit" vinegar Fifty Dollars (\$50.00); from each manufacturer or wholesale dealer in cider Fifteen Dollars (\$15.00); from each manufacturer or wholesale dealer in cider vinegar Fifteen Dollars (\$15.00); from each creamery Ten Dollars (\$10.00); from each cheese factory Ten Dollars (\$10.00); from each skimming station One Dollar (\$1.00); from each manufacturer of "ladle" butter Fifteen Dollars (\$15.00); and from each wholesale dealer in butter or cheese Ten Dollars (\$10.00), payable in each and every case into the Treasury of the State of Nebraska, as provided by law, in advance of the issuance of said permit.

3674. (9) *Revocation of permits.* If any person, firm or corporation to whom such permit has been issued shall be convicted of a wilful violation of any of the provisions of this act, such conviction shall thereupon "ipso facto" work a revocation of such permit and the same shall hereafter be held and deemed null and void.

3675. (10) *Prosecutions.* It shall be the duty of all county attorneys, on request of the Food Commissioner to represent and prosecute on behalf of the state within their respective counties, all offenses arising under the provisions of this act.

3676. (11) *Penalty.* Any person, firm or corporation violating any provision of this act shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished for each offense by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) in the discretion of the court.

It is further provided that each day's failure in taking out the permit described above, shall constitute in each of the above cases a separate and distinct offense.

3677. (12) *Appropriation.* Unconstitutional.

Approved, Apr. 3, 1899. Compiled Statutes 1903, ch. 33, pp. 900-904.

7910. (240a) 1. *Adulterated food.* That no person shall, within this state manufacture for sale, offer for sale, or sell any article of food which is adulterated, within the meaning of this act.

7911. (240b) 2. *"Food" defined.* The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed or compound.

7912. (240c) 3. *Adulteration defined.* An article of food shall be deemed to be adulterated within the meaning of this act in the following cases: First, If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; Second, If any inferior or cheaper substance or substances have been substituted wholly or in part for it; Third, If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; Fourth, If it is an imitation of, or is sold under the name of another article; Fifth, If it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal or diluted with any inferior liquid or mixed with any inferior substance; Sixth, If it is coated, polished or powdered, whereby damage or inferiority is concealed, or if by any

means it is made to appear better or of greater value than it really is; Seventh, If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture. Provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of the genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

7913. (240d) 4. *Samples.* Every person manufacturing, offering or exposing for sale or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender to him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession.

7914. (240e) 5. *Penalty.* Whoever refuses to comply, upon demand, with the requirements of *section four*, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred nor less than twenty-five dollars, or imprisoned in the county jail not exceeding three months. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale, which shall be adjudged as a part of the penalty by the court in the same action wherein he is found guilty.

Laws 1897, ch. 99, secs. 1-5; Compiled Statutes 1903, pp. 1972-1974.

7895. (227) *Unwholesome meat or provisions; penalty.* If any butcher or other person shall knowingly sell any unwholesome flesh of a diseased animal, or other unwholesome provision, he or she shall be fined in any sum not exceeding fifty dollars.

Compiled Statutes 1903, p. 1969.

7499. *Food inspectors under health commissioner.* * * * Inspectors of meats, milk, food and of any and all other matter and things relating to the sanitary condition of such city except as herein otherwise provided shall be under the control and direction of the health commissioner.

Cobbey's Supplement 1905, pp. 245-246.

7611. *Additional food control powers vested in municipalities.* In addition to the powers herein granted, cities governed by this act shall have power by ordinance.

7618. * * * To provide for, license, and regulate the inspection and sale of meats, flour, poultry, fish, milk, vegetables and all other provisions or articles of food exposed or offered for sale in the city, and to prescribe the weight and quality of bread exposed or offered for sale in the loaf. Also to provide for the inspection of weights and measures or weighing apparatus.

Cobbey's Supplement 1905, p. 277.

ALCOHOLIC BEVERAGES.

4233. (13) Every person so licensed, or any other person, who shall intentionally or otherwise, sell or give away, or direct, or permit any person or persons in his employ to sell or give away any malt, spirituous, or vinous liquors, which shall be adulterated with strychnine, strontia, sugar of lead, or any other substance, shall

forfeit and pay the sum of one hundred dollars for every such offense. An analysis made by a practical chemist shall be deemed competent testimony under the provisions of this section.

Compiled Statutes, 1903, ch. 50, p. 1045.

CIDER.

500. (1) *Adulterated cider.* That no person, firm or company shall manufacture for sale, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any cider not in compliance with the provisions of this act. No person, firm or company, shall manufacture for sale, produce, sell, keep for sale or offer for sale as cider, any preparation of cider containing salicylic acid, formaline, preservit, anti-ferment, or any other drug, chemical or substance that does not belong to the apple in its natural state.

501. (2) *Cider defined.* For the purposes of this act cider shall be construed to mean pure apple juice, absolutely free from any foreign substance.

502. (3) *Cider substitutes.* No person, firm or company shall manufacture for sale, sell or keep for sale or offer for sale any product or substance as cider or for cider which is not cider.

503. (4) *Branding of adulterated cider.* Any person, firm or company, who shall manufacture for sale, sell or keep for sale, or offer for sale, any adulterated cider, shall plainly mark or brand on the head of each keg, cask or barrel, or package, "adulterated cider," together with the approximate proportion of each drug, chemical, or substance used in its contents.

504. (5) *Inspection, sampling, prosecution.* It shall be the duty of the county attorney of each of the counties of this state, when complaint shall be made to him that adulterated cider is being sold in his county, to immediately inquire into the facts, and he or any deputy, assistant, or expert by him appointed shall have access to all places of business, factories, or buildings where cider is made for sale, or kept for sale, and shall have power to open any barrel, cask or other package, believed to contain cider manufactured or for sale, or kept for sale in violation of the provisions of this act, and may inspect the same and take samples for analysis, and if the investigation seems to sustain the charge, he shall forthwith file information and prosecute the offenders as in criminal cases.

505. (6) *Penalty.* Whoever violates any of the provisions of this act shall upon conviction be fined not less than fifty dollars, nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, for each offense and pay the costs of prosecution, and shall further be adjudged to pay all necessary costs and expenses incurred in inspection and analysis of such cider.

Laws 1897, ch. 3; Compiled Statutes 1903, ch. 2, art. 4, pp. 101-102.

DAIRY PRODUCTS.^a

7942. (1) *Imitation butter and cheese defined.* That for the purposes of this act every article, substance or compound, other than that produced from pure milk, or cream from the same, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk, or cream from the same, is hereby declared to be imitation butter, and that for the purposes of this act, every article, substance or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese and designed to be used as a substitute for cheese made from pure milk, or cream from the same, is hereby declared to be

^aSee also General Food Laws.

imitation cheese: *Provided*, That the use of salt, rennet, and other harmless coloring matter for coloring the product of pure milk, or cream, shall ^a not be construed to render such product an imitation.

7943. (2) *Coloring imitations; penalty.* No person, firm or corporation, by himself, his agents, servants, or employes, shall coat, powder, or color with annatto, or any coloring matter whatever, any substance designed as a substitute for butter or cheese, whereby such substitute or product so colored or compounded shall be made to resemble butter or cheese, the product of the dairy. No person, firm or corporation, by himself, his agents, or servants or employes, shall combine any animal fat, or vegetable oil, or other substance with butter or cheese; Or combine therewith, or with animal fat, or vegetable oil, or a combination of the two, or with either one, any other substance or substances whatever; Or combine with annatto, or compound with the same, or any substance or substances containing annatto, or compounds of the same, or any coloring matter whatever, with imitation butter, or imitation cheese, as defined in the first section of this act, for the purpose, or with the effect, of imparting thereto a yellow color, or any shade of yellow, so that such imitation butter, or imitation cheese, shall resemble yellow or any shade of genuine butter or cheese. Nor introduce any such coloring matter, or any substance, or substances, containing such coloring matter into any one of the articles of which the same is composed. *Provided*, Nothing in this act shall be construed to prohibit the use of salt, rennet, and harmless coloring matter for coloring the products of pure milk, or cream from the same. No person, firm or corporation, by himself, his agents, servants or employes, shall produce or manufacture any substance in imitation or semblance of natural butter, or cheese, nor sell, nor have in his possession, nor keep for sale, nor offer for sale any imitation butter, or imitation cheese, made or manufactured, compounded or produced, in violation of this section, whether such imitation butter or imitation cheese shall be made or produced in this state or elsewhere. Every tub, firkin, or box, containing imitation butter, or imitation cheese, so produced, manufactured, sold, had in possession, kept for sale, or offered for sale, shall constitute, and is hereby declared, a separate and distinct offense, on the part of the person, firm or corporation so producing, manufacturing, selling, having in possession, keeping for sale, or offering for sale, said tub, firkin or box, and every person, firm or corporation violating any one of the provisions of this section, shall, upon conviction, be fined in not less than ten (\$10.00) dollars, nor more than twenty (\$20.00) dollars, for each offense. *And further provided*, That this section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter or cheese, and not manufactured or colored as herein prohibited.

7944. (3) *Branding.* Every person, firm or corporation, who lawfully manufactures any substance designed to be used as a substitute for butter or cheese, shall mark, by branding, stamping or stenciling, upon the top and side of each tub, firkin, or box, or other package, in which such article be kept, and in which it shall be removed from the place where it is produced, in a clear, legible, and durable manner, in the English language, the words, "Imitation butter," or "Imitation cheese," as the case may be, in printed letters, in plain Roman type, each of which letters shall not be less than one inch in length, by one inch in width.

7945. (4) *Transportation of imitations.* No person, firm or corporation, by himself, his agents, servants, or employes, shall ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, and no carrier shall knowingly receive the same for the purpose of forwarding or transporting unless it be manufactured and marked as provided in the preceding sections of this act, and unless it be consigned by the carrier and

^aSo in Statutes.

receipted for by its true name. *Provided*, That this act shall not apply to any goods in transit between foreign states across the state of Nebraska.

7946. (5) *Possession of unmarked dairy substitutes.* No person, firm or corporation, by himself, his agents, servants, or employes, shall have in his possession or under his control, any substance designed to be used as a substitute for butter or cheese, unless the tub, firkin, box, or other package containing the same be clearly and durably marked, as provided by section three (3) of this act. *Provided*, That this section shall not be so construed as to apply to persons who have the same in their possession for the actual consumption of themselves or family. Every person, firm or corporation, by himself, his agents, servants, or employes, having in his possession or control, any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act, shall be presumed to have known during the time of such possession or control, the true character and name of such product, as fixed by this act.

7947. (6) *Substitutes to be sold as such; notice to purchaser.* No person, firm or corporation, by himself, his agents, servants, or employes, shall sell, or offer for sale, any substance designed to be used for a substitute for butter or cheese, under the name of, or under the pretense that the same is butter or cheese; and no person, firm or corporation, by himself, his agents, servants, or employes, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly at the time of sale, that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of sale, a statement clearly printed in the English language, which shall refer to the article sold, and which shall contain in prominent and plain Roman type, a statement that the substance so sold is a substitute for butter or cheese, as the case may be, and such statement shall also give the name and place of business of the maker.

7948. (7) *Use of butter and cheese substitutes in hotels, etc.; notices; penalty.* No keeper or proprietor of any bakery, hotel, public institution, dining cars, restaurant, saloon lunch counter, or place of public entertainment, or any person having charge thereof, or employed thereat, or any person, firm or corporation, furnishing board for others than members of his own family, or for any employes where such board is furnished for a compensation, or as any part of the compensation of any such employe, shall keep use or serve therein, either as food for his guests, boarders, inmates, patrons, customers, or employes, or for cooking purposes, any imitation butter, or imitation cheese, as defined in section (1) one of this act; and in using or serving any substance designed as a substitute for butter or cheese, as herein defined, he or they shall display and keep posted a card opposite each table in a conspicuous place where the same may be easily seen and read, in the dining room, eating room, lunch room, restaurant, hotel, public institution, dining car, boarding house, saloon, or place of public entertainment, and place where such substance, designed as a substitute is sold, used or disposed of, which card shall be white, and in size not less than ten by fourteen inches (10x14 in.); upon which shall be printed in plain, black Roman letters, not less in size than one inch in length and one-half inch in width, the words "Imitation butter used here," or "Imitation cheese used here," as the case may be, and said cards shall not contain any other words than the ones above described. Any person, firm or corporation, violating the provisions of this section, shall upon conviction thereof, be punished by a fine of not less than twenty-five (\$25.00) dollars, not over fifty (\$50.00) dollars, or by imprisonment in the county jail for not more than thirty (30) days.

7949. (8) *Penalties.* Whoever shall violate any of the provisions of sections three (3), four (4), five (5), six (6) and nine 9 of this act shall, for the first offense, be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than fifty (\$50.00) dollars, or by imprisonment not exceeding thirty days; and for each subsequent offense by a fine of not less than fifty (\$50.00) dollars nor more than one hundred

(§100.00) dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment in the discretion of the court. *Provided, however,* That no provision of or in this act shall be construed to prevent, or as a penalty against, the manufacture of imitation butter and imitation cheese within this state, under the restrictions and provisions of the United States law, for shipment to points outside of this state.

7950. (9) *Action by party to fraud; mutilating labels.* No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, any of the provisions of this act by or through any person, firm or corporation who was knowingly a party to such wrongful sale or other contract. Whoever shall mutilate, obscure, conceal, efface, cancel or remove, any mark provided for by this act, or cause or permit the same to be done, with intent to mislead, deceive, or to violate any of the provisions of this act, shall be guilty of a misdemeanor.

7951. (10) *Substitute butter and cheese sold as genuine.* Whoever sells, or offers for sale, to any person who asks, sends or enquires for butter, imitation butter, or imitation cheese, or any substance made in imitation of or semblance of pure butter, not made entirely from milk of cows, with or without coloring matter, shall be guilty of fraud and punished by a fine of not less than twenty-five (§25.00) dollars nor more than fifty (§50.00) dollars for each offense.

Approved, March 5, 1895. Compiled Statutes, 1903, pp. 1980-1984.

7903. (234) *Diseased, diluted, or adulterated milk.* Whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this state, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of milk known as "stripings," with intent to defraud, or shall knowingly sell milk the product of a diseased animal or animals, or shall knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, shall be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars, and be liable in double the amount of damages, to the person or persons, upon whom such fraud shall be committed.

Compiled Statutes, 1903, p. 1971.

7939. (1) *Labeling of butter and cheese imitations.* That any person, company, or corporation who shall manufacture for sale any article, or who may offer or expose for sale any article or substance in semblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which any vegetable oil or the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box, or package, of such article or substance the word oleomargarine or butterine, in plain Roman letters not less than half an inch square, placed horizontally in proper order, and in case of retail sales of such articles or substances in parcels, the seller shall in all cases deliver therewith to the purchaser a written or printed label, bearing the plainly written or printed word oleomargarine or butterine in type or letters as aforesaid, and every sale of such article or substance not so stamped, branded, marked, or labeled, shall be void, and no action shall be maintained for the price thereof.

7940. (2) *Penalty.* Any person, company, or corporation who shall sell, or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of this act, any of the said articles not so stamped, marked, or labeled, or in case of retail sale, without delivery of the label required by section one of this act, shall for

each such offense forfeit and pay a fine of one hundred dollars, to be recovered in any court in the state of competent jurisdiction.

7941. (3) *Unlabeled butter and cheese substitutes.* That any person, company, or corporation who shall sell, or offer, or expose for sale, or shall cause or procure to be sold any article required by the first section of this act to be marked, branded, stamped, or labeled, not so marked, branded, stamped, or labeled, shall be guilty of a misdemeanor, and on trial for such misdemeanor, proof of the sale or offer, or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so sold or offered.

7952. *Sale of diluted, adulterated, or unclean milk to butter or cheese factories.* Whoever shall knowingly sell or supply or bring to be manufactured to any cheese manufactory, butter manufactory, or creamery in this State, any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk;" or whoever shall keep any part of the milk known as "strippings," or whoever shall knowingly bring or supply milk to any cheese manufactory, butter manufactory, or creamery, that is tainted or partly sour from want of proper care in keeping pails, strainers, or any vessels in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, or any cheese manufacturer or butter manufacturer who shall knowingly use, or direct any of his employes to use, for his or their individual benefit, any cream of the milk brought to the cheese or butter manufacturer, without the consent of all the owners thereof, shall, for each and every offense, forfeit and pay a sum of not less than twenty-five dollars, nor more than one hundred dollars, with the costs of suit to be sued for in any court of competent jurisdiction, for the benefit of the person or persons, firm, association, or corporation, or their assignees, upon whom such fraud be committed.

Compiled Statutes, 1903, pp. 1980 and 1984.

VINEGAR.^a

506. (1) *Pure cider vinegar defined.* No person, firm, or company shall manufacture for sale, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any vinegar, not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard, or cider vinegar, which is not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substance, drugs, or acids have been introduced, or which upon proper test shall contain less than two per cent by weight of cider vinegar solids, upon full evaporation at the temperature of boiling water.

507. (2) *Branding of cider vinegar.* Every manufacturer or producer of cider vinegar, when offering it for sale, shall plainly mark or brand on the head of each cask, barrel, keg, or other package containing such vinegar, his name and place of business, and the words "cider vinegar," and no person shall label or brand as cider vinegar or for cider vinegar any package containing vinegar which is not cider vinegar.

508. (3) *Branding of other vinegars.* Every person, firm or company manufacturing for sale, keeping for sale, or offering for sale any of the so called grain vinegars, wine vinegars, or fruit vinegars, shall place them on the market without artificial coloring, with a brand or label on each barrel, cask, or other package clearly indicating the name and place of business of the manufacturing person, firm, or company, with the name of the grain or fruit from which the contents are made.

509. (4) *Addition of foreign substances or coloring matter.* All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented

^aSee also General Food Laws.

to be made, and shall contain no foreign substance or artificial coloring, and shall contain not less than four per cent by weight of absolute acetic acid.

510. (5) *Injurious ingredients.* No person, firm, or company shall manufacture for sale or offer for sale or have in possession with intent to sell, any vinegar containing any preparation of lead, copper, sulphuric, or other mineral acid, or other ingredients injurious to health.

511. (6) *Inspection; sampling; prosecuting.* It shall be the duty of the county attorney of each of the counties of this state, when complaint shall be made to him, that adulterated vinegars are being sold in his county, to immediately inquire into the facts, and he or any deputy, assistant, or expert by him appointed shall have access to all places of business, factories, or buildings where vinegar is made for sale, or kept for sale, and shall have power to open any barrel, cask, or other package, believed to contain vinegar manufactured or for sale, or kept for sale in violation of the provisions of this act. And may inspect the same and take samples for analysis. And if the investigation seems to sustain the charge, he shall forthwith file information and prosecute the offenders as in criminal cases.

512. (7) *Penalty.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, for each offense and pay the cost of prosecution, and shall further be adjudged to pay all necessary costs and expenses incurred in inspection and analyzing such vinegar.

Laws 1897, ch. 4; Compiled Laws 1903, ch. 2, art. 4, pp. 102-103.

WATER.

7989. (229) If any person or persons shall put any dead animal, carcass, or part thereof, or other filthy substance, into any well, or into any spring, brook, or branch of running water, of which use is made for domestic purposes, every person so offending shall be fined in any sum not less than two, nor more than forty dollars.

Compiled Statutes 1903, p. 1970.

STANDARDS.

Milk and Cream. I, Ezra P. Savage, governor of the State of Nebraska, by virtue of the authority vested in me by law as said (food) commissioner, ex-officio, do hereby fix and establish as the minimum standard 3 per cent butter fat for milk and 15 per cent butter fat for cream. And I do hereby require that all milk and cream bought and sold or offered for sale within the state of Nebraska for consumption in their respective forms shall be at least of the foregoing standard and the sale or offering for sale of either at a lower standard is hereby declared to be unlawful.

Established by proclamation, Dec. 12, 1901.

NEVADA.

The food laws of this State provide no officer for their administration, and no attempt has been made to enforce them.

GENERAL FOOD LAW.

4768. (131) *Penalty for selling unwholesome food or drink.* If any person or persons shall knowingly sell any flesh of any diseased animal, or other unwholesome provisions, or any poisonous or adulterated drink or liquors, every person so offending shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months.

General Statutes 1885, sec. 4677, p. 1039; Compiled Laws 1900, p. 928.

CANDY.

5076. *Addition of injurious substances.* No person, firm, or corporation shall, either directly or by agent or employee, or as the agent or employee of any other person, firm or corporation, manufacture for sale, or knowingly sell, or offer for sale any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors, or flavors, or other matters or ingredients deleterious or injurious to health.

5077. *Destruction of adulterated candy.* Any candy so adulterated shall be seized by any police, constabulary or arresting officer, and shall be destroyed under the direction of the Judge of the court before whom any complaint shall be made for a violation of any provision or requirement of this Act.

5078. *Penalty.* Any person violating any provision or requirement of this Act shall be punished by a fine not exceeding one hundred dollars, nor less than ten dollars, or by imprisonment in the county jail for a period not exceeding fifty days, nor less than twenty-five days.

Compiled Laws, 1900.

DAIRY PRODUCTS.

4897. *Penalty for selling adulterated milk.* Any person or persons who shall knowingly sell or exchange, or expose for sale or exchange, any impure, adulterated or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars for each and every offense; and if the fine is not paid, the said person or persons so convicted shall be imprisoned, in the county jail, for not less than thirty days.

4898. *Penalty for unsanitary care of cows, etc.* Any person or persons who shall adulterate milk, with the view of offering the same for sale or exchange, or shall keep cows for the production of milk for market, or for sale or exchange, in a crowded or unhealthy condition, or feed the same on food that produces impure, diseased or unwholesome milk, or who shall sell or exchange or offer to sell or exchange any milk as pure, from which the cream or any portion thereof has been taken, except as hereinafter provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars for each and every offense; and if the fine is not paid, the person or persons so convicted shall be imprisoned, in the county jail, for not less than thirty days.

4899. *Penalty for dilution of milk or improper feeding of cows.* The addition of water or any substance is hereby declared an adulteration; any milk that is obtained from animals that are fed on distillery, brewery, hotel, or restaurant waste, usually called "swill," or upon any substance in a state of putrefaction, or upon impure matter from stalls and stables, is hereby declared to be impure and unwholesome, and any person or persons offending, as aforesaid, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred dollars for each and every offense; and if the fine is not paid, the person or persons so convicted shall be imprisoned, in the county jail, for not less than thirty days.

4900. *Skimmed milk.* Nothing in this Act shall be construed to prevent the sale of skimmed milk, provided the person or persons selling the same shall first make known the fact that it is skimmed milk, and shall sell it as such; and any person or persons who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be subject to the penalties prescribed in section two of this Act.

4901. *Disposition of fines.* The penalties hereinbefore provided shall be recoverable before any court having jurisdiction of the same; one-half of such fine shall be paid to the person or persons who shall make the complaint and prosecute the same, and the other half shall be paid into the school fund.

4902. (1) *Milk inspector.* There shall be appointed by the Board of County Commissioners of said county a Milk Inspector, whose duty shall be as provided in section two of this Act.

4903. (2) *Duty of inspector.* It shall be the duty of said Milk Inspector to inspect milk offered for sale by vendors in his county, and if found adulterated, unwholesome and impure, he shall cause the arrest of said vendor or vendors, and prosecute them in any court of competent jurisdiction in this state.

4904. (3) *Penalty.* If said vendor or vendors are found guilty of the violation of this Act, and the Act to which this is supplemental, they shall be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars, or be imprisoned in the county jail for not less than fifty nor more than one hundred days. All fines under the provisions of this Act to be paid into the school fund.

4905. (4) *Salary of inspector.* The compensation for said Milk Inspector's services shall be regulated and ordered paid by the Board of County Commissioners of his county.

4906. (1) *Penalty for sale of imitation butter.* Every person who shall manufacture for sale any article or substance in semblance of butter, that is not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals, not produced from milk, enters as a component part, or into which melted butter, or any oil thereof has been introduced, to take the place of cream, unless the package containing such article or substance shall be labeled or branded with the word "oleomargarine," as provided in section two of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and shall be confined in the county jail not less than thirty days nor more than six months.

4907. (2) *Branding of imitation butter; penalty.* Every person who shall sell, or offer, or expose for sale, or have in his or her possession with intent to sell any of the said article or substance mentioned in section one of this Act, shall distinctly mark, brand or label every package containing such substance, whether at wholesale or retail, with the word "oleomargarine," and every person who shall sell, or offer for sale, such substance not so branded, marked, or labeled, shall be guilty of a misdemeanor, and upon conviction therefor, in any court in this state having cognizance thereof, shall pay a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

4908. (3) *Size of brands.* The branding or marking of spoken in this act, if on rolls or prints, shall be in letters not less than one-fourth of an inch square, and if on tubs or other packages, the letters shall not be less than one-half inch square.

Compiled Laws, 1900.

MEAT.

826. *Diseased or unwholesome products.* No person shall bring, expose or offer for sale, or sell in any city, town or hamlet within this state for human food any

1. Blown, meagre, diseased or bad meat, poultry or game; or
2. Unsound, diseased, or unwholesome fish, fruit, vegetables, or other market produce.

827. *Diseased animals.* No person shall bring, expose, or offer for sale, or sell in any city, town or hamlet within this state

1. Any sick or diseased animal, or
2. The flesh of any animal which, when killed, was sick or diseased, or that died a natural or accidental death.

828. *Slaughter of calves.* No person shall slaughter, expose for sale or sell, or bring or cause to be brought into any city, town or hamlet within this state, for human food, any calf unless it is in good, healthy condition and four weeks of age.

829. *Offer to sell equivalent to a sale.* Any article or animal that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it was intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this Act.

830. *Forfeiture of prohibited products.* Any person or persons who, in violations of the preceding sections of this act, shall bring within this state, city, town or hamlet, slaughter or sell, or expose for sale any article or animal (therein prohibited from sale) which is unfit or unsafe for human food shall forfeit the same to the authorities.

Compiled Laws, 1900.

WATER.

4835. (1) *Defiling of water supply.* Any person or persons who shall deposit or allow to be deposited by any person or persons in their employ, into any stream or streams of water, any sawdust, rubbish, or filth, that will render such water impure or unfit for drinking or cooking purposes, or in any way injurious to any agricultural lands, upon which it may be necessary for the owner or owners of such lands to use such water for irrigating purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined within the sum of not less than twenty-five dollars nor more than five hundred dollars, exclusive of court costs; provided, that nothing in this Act shall apply to those engaged in working ores.

4836. (2) *Disposition of fines.* All fines collected under the provisions of the preceding section of this Act shall be distributed as follows: One-half to be paid into the school fund of the county in which such complaint shall have been made; the other half shall be paid to the party or parties making the complaint.

Compiled Laws, 1900.

SEC. 1. *Defiling of water supplies; penalty; exemptions.* Any person or persons, firm, company, corporation or association in this State, or the managing agent of any person or persons, firm, company, corporation or association in this State, or any duly elected, appointed or lawfully created State officer of this State, or any duly elected, appointed or lawfully created officer of any county, city, town, municipality, or municipal government in this State, who shall deposit, or who shall permit or allow any person or persons in their employ or under their control, management or direc-

tion to deposit in any of the waters of the lakes, rivers, streams and ditches in this State any sawdust, rubbish, filth, or poisonous, or deleterious substance or substances, liable to affect the health of persons, fish, or live stock, or place or deposit any such deleterious substance or substances in any place where the same may be washed or infiltrated into any of the waters herein named, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, exclusive of Court costs; *provided*, that in cases of State institutions, municipalities, towns, incorporated towns or cities, when, owing to the magnitude of the work, immediate correction of the evil is impracticable, then in such cases the authorities shall adopt all new work, and as rapidly as possible reconstruct the old systems of drainage, sewerage and so as to conform with the provisions of this Act; *and provided further*, that all such new and reconstructed systems shall be completed within four years from the date of passage hereof; *provided*, that nothing in this Act shall be so construed as to permit mining or milling companies to dump tailings directly into any stream in this State so as to prevent or impede the natural flow of such stream. Nothing in this Act shall be so construed as to apply to any quartz mill or ore reduction works in this State.

SEC. 2. *Definitions.* For the purposes of this Act the word "ditch" shall be construed to mean any ditch, canal, channel or artificial waterway, used for carrying or conducting water into any reservoir from which it may be used or distributed, for domestic purposes, to any person in this State, or to any person in any county, city, town or municipality in this State.

SEC. 3. *Appropriation.* The sum of three thousand dollars is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, subject to the disposal of the Governor of this State, for the purpose of enforcing the provisions of this Act, either in the Courts of this State or in the Courts of the United States, such expenditure to be allowed and paid as other claims against the State are allowed and paid.

SEC. 4. *Effect.* This act shall take effect and be in force from and after the first day of July, A. D. nineteen hundred and four.

Approved March 20, 1903. Statutes of 1903, ch. 122, pp. 214-215. .

NEW HAMPSHIRE.

With the exception of the oleo law (chapter 115, Laws of 1895. See p. 368), which is placed in charge of the State board of agriculture, the food laws of New Hampshire are administered by the State board of health. In reply to a letter of inquiry, the following statement was made by Dr. Irving A. Watson, the secretary of that organization and director of the laboratory of hygiene:

I am not prepared at this time to go into the matter in detail, but would say in a general way that, although our present law has been on the statute books for many years, no provision whatever was made for its enforcement until about four years ago, when the State laboratory of hygiene was established; it was two years later that we began our investigations of adulterated foods.

The work done has already accomplished much, and has driven from the State many articles of food that did not meet the requirements of our law, which is particularly rigid, as will be seen by an examination of section 3.

What we have accomplished has been done, not by prosecutions, but through information furnished directly to the retail dealers of the State. By so doing we have had their cooperation in the work, and have probably obtained better results than could have been secured by a few prosecutions. This does not mean that legal action may not be taken by the board at any time.

Perhaps some modification of our law so as to admit certain compounds might be advisable; but a measure which would permit anything to be sold in the State that had a label giving the formula would be, we believe, a step backward. The more reputable houses are in sympathy with the provisions of our law, and so far as we can see it works no hardship on any but those who desire to place upon our markets adulterated or inferior goods.

GENERAL FOOD LAWS.

SEC. 4. *State board of health to enforce food laws.* The State board of health shall have cognizance of the interests of the public health, relating to the sale of drugs and foods and the adulteration of the same, and shall make all necessary investigations and inquiries in reference thereto, and for these purposes may appoint inspectors, analysts, and chemists, who shall be subject to its supervision and removal; and said board may expend annually an amount not exceeding eight hundred dollars for the purpose of carrying out the provisions of this section and of the chapter relating to the adulteration and the sale of unwholesome foods and of poisons.

Public Statutes and Session Laws, 1901, ch. 107, p. 334.

SEC. 1. *Establishment of a laboratory of hygiene.* The State board of health is authorized to establish and equip a laboratory with the proper and necessary apparatus, utensils, and instruments for the chemical and bacteriological examination of water supplies, milk, food products, drugs, etc., and the investigation of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, pneumonia, malaria, glanders, and other infectious and contagious diseases.

SEC. 2. *Analyses.* The said board shall employ a chemist, and shall, as far as practicable, make investigations and analyses of public water supplies, and of foods and drinks offered for sale in our markets, and shall conduct investigations along these lines, with a view to discovering adulterated and fraudulent products, and shall enforce the law relative to the same, as provided for in chapter 269 of the Public Statutes.

SEC. 3. *Bacteriological examinations.* The board shall also provide for the bacteriological examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders, and such other diseases as it may deem necessary, including any diseased condition that may be found in slaughtered animals, and in cases of infectious diseases shall report its findings immediately, by telegraph or telephone, to the physician requesting the same.

SEC. 4. *Quarterly bulletins; water investigations.* The state board of health may publish quarterly in a bulletin the results of the analytical work done in said laboratory, naming fraudulent and adulterated articles of food found on sale in this State, together with such other information relating to sanitary matters as it may deem advisable, and the said board shall conduct its investigations along such lines as it may deem to be for the greatest public utility. It shall make special investigations into the character and quality of the water supplies of any locality in the State when requested by any board of water commissioners, board of health, or by consumers.

SEC. 5. *Investigations free.* All investigations conducted in the said laboratory shall be free to the people of this State.

Session Laws, 1901, ch. 23.

SEC. 1. *Adulterated drugs, food, or drink.* No person shall sell, or offer for sale, any adulterated drug or substance to be used in the manner of medicine, or any adulterated article of food or substance to be used in the manner of food or drink.

SEC. 2. *Drug standards.* If any drug or substance used for medicine, sold under a name recognized by the United States Pharmacopœia, or in some other pharmacopœia, or other standard work of materia medica, differs materially from the standard of strength, quality, or purity laid down in such work, or contains less of the active principle than is contained in the genuine article, weight for weight, or falls below the professed standard under which it is sold, it shall be deemed to be adulterated within the meaning of this chapter.

SEC. 3. *Inferior or unwholesome food.* If any food or substance to be eaten or used in the manner of food or drink contains a less quantity of any valuable constituent than is contained in the genuine article, weight for weight, or contains any substance foreign to the well-known article under whose name it is sold, or is colored, coated, polished, or powdered, whereby damage is concealed, or contains any added poisonous ingredient, or consists wholly or partly of any decomposed, putrid, or diseased substance, or has become offensive or injured from age or improper care it shall be deemed to be adulterated within the meaning of this chapter.

SEC. 4. *Penalty.* Whoever fraudulently adulterates for the purpose of sale any article of food or drink, drug or medicine, or knowingly sells any fraudulently adulterated article of food or drink, drug or medicine, or any kind of diseased or unwholesome provisions as defined in this chapter, shall be imprisoned not exceeding one year, or be fined not exceeding four hundred dollars.

SEC. 5. *Sampling.* Every person offering or exposing for sale any drug or article of food within the meaning of this chapter, shall furnish to any analyst, or other officer duly appointed for the purpose, who shall apply to him for the same and tender him its value in money, a sample sufficient for the purpose of the analysis of such drug or article of food.

SEC. 6. *Demands for inspection.* Any person who has reason to doubt the purity or genuineness of any article of food which he has purchased, may send at his own

expense a sealed sample of it to the state board of health for inspection. If upon examination the article appears to be adulterated, the board may obtain a certified sample of it, and should this sample prove to be adulterated, the board shall begin proceedings at once against the vendor.

SEC. 7. *Penalty for hindering enforcement of law.* Whoever hinders, obstructs, or in any way interferes with any inspector, analyst, or other officer appointed hereunder, in the performance of his duty, shall be fined not exceeding fifty dollars for the first offense, and one hundred dollars for each subsequent offense.

SEC. 8. *Duplicate samples.* Before commencing the analysis of a sample, the analyst shall reserve a portion, which shall be sealed; and in case of a complaint or indictment, part of the reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney, and part to the secretary of the state board of health.

SEC. 9. *Enforcement.* The state board of health shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter, and for the collecting and examining of drugs and foods, articles of clothing, fabrics, wall-paper, or anything containing poisonous pigments or substances whereby the health of any person may be injured.

SEC. 10. *Liquor adulteration.* Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year.

SEC. 11. *Slaughter of calves.* Whoever kills, or causes to be killed, for the purpose of sale, a calf less than four weeks old, or knowingly sells, or has in possession with intent to sell, for food, the meat of any such calf, shall be fined not exceeding fifty dollars, or be imprisoned not exceeding thirty days, or both.

SEC. 12. *Meat.* Any meat, unwholesome provisions or articles, sold, kept, or offered for sale, and any articles adulterated, in violation of any of the preceding sections, shall be forfeited.

SEC. 13. *Drug records.* Every apothecary, druggist, or other person who sells any arsenic, corrosive sublimate, nux vomica, strychnine, or prussic acid, shall make a record of such sale in a book kept for that purpose, specifying the kind and quantity of the article sold, and the time when, and the name of the person to whom such sale is made, which record shall be open to all persons who may wish to examine the same.

SEC. 14. *Penalty.* Any person who shall violate the provisions of the preceding section shall be fined not exceeding one hundred dollars.

SEC. 15. *Physicians exempt.* The two preceding sections shall not apply to physicians, in their prescriptions or their recipes to their patients.

Public Statutes and Session Laws, 1901, ch. 269, p. 814.

ALCOHOLIC LIQUORS.

SEC. 17. *Injurious adulteration.* It shall not be lawful

1. To sell or expose for sale, or to have on the premises where liquor is sold, any liquor which is adulterated with any deleterious drug, substance or liquid which is poisonous or injurious to the health.

SEC. 21. *Inspection authority; sampling and analysis; penalties.* Any commissioner, police officer, constable, special agent, selectman or sheriff may at any time enter upon the premises of a person who is licensed under the provisions of this act, to ascertain the manner in which such person conducts his business, and to preserve order. Such officers may at any time take samples for analysis of any liquor kept

on such premises, and the vessels containing such samples shall be sealed on the premises of the vender, and shall remain so sealed until presented to the state laboratory of hygiene for analysis. The city or town in which such vendor resides shall pay for the samples so taken, if such liquor is found to be of good quality and free from adulteration. If, however, such liquor shall prove to be adulterated with any deleterious drug, substance or liquid which is poisonous or injurious to the health, or if such liquor prove to be other than it purports to be, the licensee shall be fined two hundred dollars, shall forfeit his license and his bond thereon, and such license shall not be renewed for at least three years from the date of its forfeiture.

Laws of 1903 [portion of the act to regulate traffic in intoxicating liquor], ch. 95, p. 89.

SEC. 7. *Analysis of liquors kept by agents; penalty if impure.* The selectmen and mayor shall, from time to time, cause samples of the liquor kept by their agents to be analyzed, and if found to be impure shall cause the agent who is responsible for selling or offering for sale such liquors, to be prosecuted; and if he is found guilty, he shall be fined fifty dollars, or imprisoned three months, or both; and the expense of said analysis shall be added to the cost now allowed to be taxed in criminal cases.

SEC. 11. *Restrictions of agents' sales; penalty.* If any agent shall adulterate any spirituous or malt liquors which he may keep for sale, or knowingly purchase any impure liquors, or shall buy any spirituous or malt liquors of any other person than the person so appointed by the governor, or of the county commissioners in cases authorized by law, or charge a higher price than that fixed by the selectmen or mayor, or shall sell any liquor on his own account, he shall forfeit fifty dollars or be fined fifty dollars, or be imprisoned ninety days, or both.

Laws of 1899, ch. 71; Public Statutes and Session Laws 1901, ch. 112, pp. 349-350.

CANDY.

SEC. 1. *Addition of injurious ingredients.* No person shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

SEC. 2. *Penalty.* Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars (\$100) nor less than fifty dollars (\$50). The candy so adulterated shall be forfeited and destroyed under direction of the court.

SEC. 3. *Duty of prosecuting attorneys.* It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under this act in all the courts in their respective counties.

Public Statutes and Session Laws, 1901, ch. 269, p. 816.

DAIRY PRODUCTS.

SEC. 1. *Inspection of milk in charge of city boards of health.* The boards of health of cities shall be in charge of the inspection of milk, skim-milk, and cream, and may appoint one or more persons as their agents for that purpose who shall act under their direction in their respective places, and who may be removed by them at any time. The compensation to such agents shall be fixed by said boards of health, but no milk inspector shall be paid for his services unless he is a registered chemist or is the holder of a certificate from the superintendent of the dairy department of the

New Hampshire College of Agriculture and the Mechanic Arts showing the said holder to be qualified to perform such work.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 607.*

SEC. 2. *Appointment of milk inspectors.* The selectmen of towns may annually appoint one or more persons to be inspectors of milk, skim-milk, and cream, under the same provisions and conditions as agents are appointed by boards of health.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 607.*

SEC. 3. *Milk licenses.* The boards of health of cities and the selectmen of towns may grant to any person who applies therefor and pays the sum of two dollars a license to sell milk, skim-milk, and cream within their city or town, until the first day of June next following, and may renew such license annually in the month of May upon application and the payment of a like fee, providing said applicant will satisfy said boards of health or selectmen that he understands the care and handling of said product, and files the name and address of all his producers, and gives reasonable assurance that the cows from which the milk is taken are healthy, and are properly fed and cared for. The license and its renewal shall state the name of the party to whom granted, his residence, place of business, the names of all persons employed by him in carrying on the business, the number of carriages or other vehicles used, the name of the town for which it is granted, and the number of the license. It shall not be transferable, and may be revoked at any time for cause. The person to whom any license is granted shall cause his name, place of business, and the number of his license to be legibly placed on the outer side of all carriages and vehicles used in the business, and in the case of a merchant selling, or offering for sale, in a store, booth, or market place, in a city or town in which said licenses are granted, said license and its renewals shall be posted in a conspicuous place in said merchant's place of business.—*As amended March 22, 1901, Laws of 1901, ch. 107, pp. 607-608.*

SEC. 4. *License; penalty.* Whoever goes about in carriages or makes a business of selling milk, skim-milk or cream, in any such city or town, or offering for sale, or having in his possession with intent to sell, milk, skim-milk, or cream, unless a license has first been obtained as provided in the preceding sections, shall be fined not more than ten dollars for the first offense; and for any subsequent offense he shall be fined fifty dollars, or be imprisoned not more than sixty days, or both; *provided however*, that any person selling only the product of his own cows shall be exempt from paying any fee for such license.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 608, and as further amended March 24, 1903, ch. 83, p. 72.*

SEC. 5. *Licenses for milk sold in stores, etc.* Every person selling milk, skim-milk, or cream, or offering such for sale in a store, booth, or market place in a city or town in which licenses are granted, shall procure a license as provided in section 3. Any person so selling or offering for sale, who neglects to comply with this section, shall be punished as provided in section 4.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 608.*

SEC. 6. *Inspection, sampling and tests.* The boards of health of cities, and their agents, the selectmen of towns and the inspectors appointed by them, may enter places where milk, skim-milk, or cream are stored or kept for sale, and into and upon carriages used for the conveyance thereof, and may take such samples of milk, skim-milk, or cream as they may deem necessary, upon payment of the current price therefor, and may examine the milk, skim-milk, or cream there found, and, if requested, shall leave a sample of the same product, securely sealed, with the person from whom said sample was taken, and if they have reason to believe that any such milk, skim-milk, or cream is adulterated, they shall cause specimens thereof to be analyzed or otherwise satisfactorily tested, and shall make a record of the result of the analysis or test.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 608.*

SEC. 7. *Record of licenses.* They shall make a record of all licenses granted and renewed by them, which, together with all registries made with them, shall be open

to public inspection; and shall pay to the treasurer of their city or town all fees received, within thirty days after receipt.

SEC. 8. *Labeling skimmed milk.* No dealer in milk and no servant or agent of a dealer, shall sell, exchange, deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the center upon the outside of every vessel, can, or package from or in which such milk is sold, the words "skimmed milk" are distinctly marked in letters not less than one inch in length. Whoever violates the provisions of this section shall be punished by the penalties provided in section 17 of this chapter.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 609.*

SEC. 9. *Record of convictions.* A record shall be made and kept by said boards of health and selectmen of each and every conviction in their respective cities and towns of any violation of the provisions of this chapter.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 609.*

SEC. 10. *Inspectors, etc., assisting fraud; penalty.* Any board of health, or any agent thereof, or selectmen, or inspector appointed under the provisions of this chapter, who willfully connives at or assists in a violation of the provisions of this chapter, shall be fined not more than three hundred dollars, or be imprisoned not more than sixty days, or both.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 609.*

SEC. 11. *Previously elected inspectors.* The preceding sections shall be in force only in such towns and cities as now have inspectors of milk, and those which may hereafter adopt the same, but nothing in this act shall be construed as affecting any one who may at the time of the passage of this act be a regularly elected inspector of milk in any city in this state, so as to cut short his present term of office, or vary his salary.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 609.*

SEC. 12. *Milk measures.* Milk shall be bought and sold by wine measure, the standard for which shall be two hundred and thirty-one cubic inches to the gallon, and for subdivisions of the gallon in the same proportion.

SEC. 13. *Marking and sealing of measures.* All measures or vessels used in the sale of milk shall be tried and proved by the standard of wine measure and the quantity they hold agreeably to such standard shall be marked thereon. Any person selling any milk by any other than measures so tried, sealed, and marked, shall forfeit for each offense ten dollars.

SEC. 14. *Sealing of milk cans.* All milk cans used by persons engaged in the business of purchasing milk at wholesale, shall be sealed annually by the sealer of weights and measures in the city or town where the purchaser resides; and no milk can shall be sealed that does not contain one or more quarts, and the capacity of the can shall be legibly marked upon it by the sealer.

SEC. 15. *Standard contents of can.* When milk is purchased by the can, such can shall hold eight quarts of milk and no more.

SEC. 16. *Penalty.* Any person violating the provisions of the two preceding sections shall be fined not more than fifty dollars.

SEC. 17. *Reporting of adulterated milk.* If any person shall adulterate milk, skim-milk, or cream with water or otherwise to be sold, or shall sell or offer for sale, or have in possession with intent to sell, any adulterated or unwholesome milk, skim-milk, or cream, containing any coloring matter or preservative, or any milk produced from sick or diseased cows, or cows fed upon the refuse of breweries or distilleries, or any other substance which may be deleterious to the quality of milk, skim-milk, or cream, or shall sell, or offer for sale, or have in possession with intent to sell as pure milk, any milk from which the cream or a part thereof has been removed, he shall be fined not more than two hundred dollars, or imprisoned not more than sixty days, or both. And it shall be the duty of the boards of health and milk inspectors to file the necessary information with the chief of police of the city or town, or the county solicitor of the county in which such city or town may be situated, and it

shall be the duty of such chief of police and county solicitor to prosecute offenders under this act to final judgment and sentence.—*As amended March 22, 1901, Laws of 1901, ch. 107, p. 609.*

SEC. 18. *Adulteration defined.* In all proceedings under this chapter, if the milk is shown, upon analysis, to contain less than thirteen per cent of milk solids, or to contain less than nine and one half per cent of milk solids exclusive of fat, or to contain less than three and one half per cent of fat, it shall be considered evidence of adulteration except during the months of April, May, June, July, August, and September, when milk containing less than twelve per cent of milk solids, or less than three per cent of fat, shall be considered evidence of adulteration, or if, in the case of skim-milk, it shall contain more than ninety-one per cent of water and less than nine per cent of milk solids exclusive of fat, it shall be considered evidence of adulteration.—*As amended March 22, 1901, Laws of 1901, ch. 107, pp. 609–610.*

SEC. 19. *Adulterated butter, oleomargarine, and imitation cheese, labels.* No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance, or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream of the same, or in imitation of cheese produced from unadulterated milk or cream of the same, unless the same is contained in tubs, firkins, boxes, or other packages, each of which has upon it, to indicate the character of its contents, the words "Adulterated butter," "Oleomargarine," or "Imitation cheese," as the case may be, in plain Roman letters not less than one half inch in length, and so made, placed, or attached that they can readily be seen and read, and cannot be easily defaced; and if the substance or compound is a substitute for cheese, unless the cloth surrounding it has a like inscription; and if it is a substitute for butter, unless it shall be of some other color than that of yellow butter. When any such substance or compound is sold in less quantities than the original packages contain, the seller shall deliver to the purchaser with it a label bearing the words indicating its character as above, in like letters: *Provided*, that nothing in this act shall be construed to prohibit the manufacture and sale of oleomargarine in separate and distinct form, and in such manner as will advise the consumer of its real character, free from any coloration or ingredient that causes it to look like butter.^a

(2) *Peddling of imitation butter.* It shall be unlawful for any person to peddle, sell, or deliver from any cart, wagon, or other vehicle, upon the public streets or ways, oleomargarine, butterine, or any similar substance, unless so branded and marked as required in section 1 of this act (Sec. 19).—*Ch. 115, 1895.*

(3) *Serving imitation butter in hotels, etc.* It shall be unlawful for any person to furnish or cause to be furnished, in any hotel, boarding-house, restaurant, or at any lunch counter, oleomargarine, butterine, or any similar substance, to any guest or patron of said hotel, boarding-house, restaurant, or lunch-counter, without first notifying such guest or patron that the substance so furnished is not butter.—*Ch. 115, 1895.*

(4) *Penalty.* Any person or persons violating any of the provisions of the foregoing sections (the three preceding sections) shall, upon conviction therefor, be fined not less than twenty-five nor more than fifty dollars for the first offense, and for each subsequent offense not less than fifty nor more than one hundred dollars, or imprisonment not less than ten nor more than ninety days, or both.—*Ch. 115, 1895.*

SEC. 20. (Repealed because inconsistent with provisions of 1895, ch. 115, sec. 4—the section preceding this.)

(1) *Board of agriculture to enforce law.* It shall be the duty of the state board of agriculture to cause the provisions of chapter 115 of the laws of 1895, relating "to

^a Substituted for original section, 1895, ch. 115, sec. 1.

the sale of adulterated butter, oleomargarine, and imitation cheese," to be enforced.—*Ch. 58, 1899.*

SEC. 21. *Analysis of suspected products.* The complainant in any such action may cause specimens of butter or cheese suspected of being imitations to be analyzed or tested. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be taxed as costs.

SEC. 22. *Terms "butter" and "cheese" defined.* The terms "butter" and "cheese" shall be understood to mean the products usually known by those names, and which are manufactured exclusively from milk, or cream, or both, with salt and with or without coloring matter, and if cheese, with rennet.

(1) *Penalty for importing adulterated butter or cheese.* If any person shall, within this state, solicit or take any order for any substance or compound, the sale, offer to sell, or keeping in possession of which with intent to sell, is prohibited by the provisions of sections 19 and 20 of chapter 127 of the Public Statutes, to be delivered at any place without this state, knowing or having reasonable cause to believe that if so delivered the same will be transported to this state and be sold in violation of the laws thereof, he shall be fined fifty dollars for the first offense and for any subsequent offense he shall be fined one hundred dollars, or be imprisoned not more than ninety days.—*Ch. 37, 1893.*

SEC. 23. *Complaints.* It shall be the duty of the inspectors of milk, if any in the town, and if not, of the health officers, to make complaints for violations of this chapter whenever any one furnishes to them satisfactory evidence thereof, and to prosecute the same, but any other person may do so.

SEC. 24. *Disposition of fines.* Any person who begins and prosecutes any action under this chapter at his own expense, and any town whose officers begin and prosecute any such action at its expense, shall be entitled to one half of every fine imposed therein, and the county to the other half.

Public Statutes and Session Laws 1901, ch. 127, p. 399.

SEC. 1. *Search warrant for seizing imitation butter.* A justice or police court may issue a warrant for searching any place therein described, in the daytime, upon complaint under oath that it is believed that a person liable to a crime is concealed therein, or that gambling is carried on therein, or that any property or thing of any of the following kinds is kept or concealed therein: * * *

VII. Oleomargarine, butterine, or any oleaginous substance not produced from pure unadulterated milk or cream of the same, which is in imitation of yellow butter.

As amended March 22, 1901. Laws, 1901, ch. 87, p. 583; Public Statutes and Session Laws of 1901, ch. 251, p. 775.

SEC. 1. *Milk inspectors, etc., must hold certificates.* Every person who holds or fills the position of milk inspector in any city or town in this state or who, either for himself or in the employ of any other person, firm, or corporation manipulates the Babcock test, or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fat or solids in milk or cream as a basis for apportioning the value of such milk or cream, or the butter or cheese made from the same, shall procure from the superintendent of the dairy department of the New Hampshire College of Agriculture and the Mechanic Arts, a certificate showing that the holder is competent and well qualified to perform such work. The fee for issuing such certificate shall in no case exceed one dollar, the same to be paid by the applicant to said superintendent and to be used by the superintendent in meeting the expense incurred by him under this section.

SEC. 2. *Accuracy of instruments for testing and measuring milk.* Every instrument or piece of glassware used for testing or measuring milk or cream, at any creamery,

butter factory, cheese factory, or condensed milk factory in determining the value of milk or cream received from different persons, or by any milk inspectors in any city or town in this state, shall be tested for accuracy of measurement, and for the accuracy of the per cent scale marked thereon, by the superintendent previously named or by some competent person designated by him. The superintendent or person thus designated shall so mark such instruments or glassware with such marks or characters as cannot be erased, which marks or characters shall stand as proof that they have been so tested; and no incorrect instruments or glassware shall be thus marked. The superintendent of the dairy school shall receive for such service the actual cost incurred and no more, the same to be paid by the person or corporation for whom the test is made.

SEC. 3. *Record of certificates and test appliances.* The person or persons who grant certificates and test appliances at the New Hampshire College of Agriculture and the Mechanic Arts shall keep a record of all persons to whom certificates are issued, with the dates thereof, and of the number and description of all instruments and pieces of glassware inspected and marked, and for whom each article or lot was inspected and marked.

SEC. 4. *Penalty for illegal testing.* Any person who tests milk or cream by the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fats or solids when sold as milk or as a basis for apportioning its value when used at creameries or factories, without first having obtained a certificate of competency in the manner previously named in this act, or who tests milk or cream to determine or apportion its value with appliances that have not been inspected and marked by the authorities herein named, shall be liable to a fine of not less than five dollars for each week that he or she serves or that such unmarked and untested appliances have been used.

SEC. 5. This act shall take effect July 1, 1901.

Approved March 22, 1901. Laws 1901, ch. 106, p. 606.

MAPLE PRODUCTS AND VINEGAR.

SEC. 1. *Maple products must be pure.* No person shall sell, expose for sale, exchange, barter or deal in any article as and for maple sugar, maple candy or maple syrup unless the same shall be sugar, candy or syrup made solely from the sap of the maple tree.

SEC. 2. *Standard for cider vinegar.* No person shall sell or expose for sale, exchange, barter or deal in any article as and for cider vinegar unless the same shall be vinegar made solely from cider made of apples and shall have an acidity equal to the presence of not less than four per cent., by weight, of absolute acetic acid, and shall contain not less than one and six-tenths, by weight, of apple solids.

SEC. 3. *Possession of falsely labeled maple products or cider vinegar forbidden.* No person shall have in his possession for sale, exchange or barter any article which is not maple sugar, maple candy or maple syrup, or which is not cider vinegar, as those articles are defined in the two preceding sections, which is labeled, marked or represented to be maple sugar, maple candy, maple syrup, or cider vinegar.

SEC. 4. *Penalty.* Any person who shall violate any provision of the three preceding sections shall be fined not less than ten dollars nor more than fifty dollars.

SEC. 5. *Effect.* This act shall take effect upon its passage.

Approved March 10, 1905. Laws of 1905, ch. 118, pp. 532-533.

WATER AND ICE.

SEC. 1. *Defiling water supplies.* Whoever knowingly and willfully poisons, defiles, pollutes, or in any way corrupts the waters or ice of any well, spring, brook, lake, pond, river, or reservoir, used as the source of a public water or ice supply for domestic purposes, or knowingly corrupts the sources of the water of any water company, or of any city or town supplying its inhabitants with water, or the tributaries of said sources of supply, in such a manner as to affect the purity of the water or ice so supplied at the point where the water or ice is taken for such domestic use, or puts the carcass of any dead animal or other offensive material into said waters or upon the ice thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year. The provisions of this section shall not apply to the deposit of any bark, sawdust, or any other waste of any kind arising from the business of cutting, hauling, driving, or storing logs, or the manufacture of lumber; and the use of any stream for the purposes of manufacturing and for the necessary drainage connected therewith, if more than four miles distant from the point where the water is taken for such domestic purposes, shall not be deemed a violation of this section.

SEC. 2. *Regulations for cutting ice.* No person shall cut or take ice from any lake, pond, or reservoir used as the source of a public water or ice supply for domestic purposes for man, unless he first shall comply in all respects with such reasonable rules and regulations in regard to the manner and place of cutting and taking such ice on said lake, pond, or reservoir as may be prescribed by the local board of control or officers of a water company who may have charge of the works of any city or town supplying its inhabitants with water from said lake, pond, or reservoir. The supreme court shall have power to issue injunctions restraining any person from cutting or taking ice from such lakes, ponds, or reservoirs until they have complied with the reasonable regulations made as aforesaid.

SEC. 3. *Penalty for boating, etc., on lakes used for ice supply.* Said local boards and officers may also make all reasonable rules and regulations in regard to fishing and the use of boats in and upon any such lake, pond, or reservoir, and in regard to racing or speeding horses upon the ice thereof, which they may deem expedient. Any person who shall violate any of said rules and regulations after notice thereof shall be fined not exceeding twenty dollars, or imprisoned not exceeding six months.

SEC. 4. *Penalty for bathing near water supplies.* If any person shall bathe in such lake, pond, or reservoir within one fourth of a mile of the point where said water is taken, he shall be fined not exceeding twenty dollars, or imprisoned not exceeding six months.

SEC. 5. *Injury to property of water company.* Whoever shall willfully injure any of the property of any water company or of any city or town, used by it in supplying water to its inhabitants, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year; and such person shall also forfeit and pay to such water company, city, or town, three times the amount of actual damages sustained, to be recovered in an action on the case.

SEC. 6. *Previous legislation.* All acts and parts of acts inconsistent with this act are hereby repealed, but nothing in this act shall be construed to repeal any special act applying to cities and towns.

Laws 1895, ch. 76; Public Statutes and Session Laws, 1901, ch. 108, p. 338.

(1) *Inspection of sources of ice supply.* It shall be the duty of boards of health of the cities and towns of the State to examine and inspect the sources from which ice is cut, or is proposed to be cut, for domestic use in such cities and towns, and to employ such means as may be necessary to determine whether the waters of such

sources of ice supply have been polluted, or whether ice taken therefrom will be deleterious to the public health.

(2) *Polluted sources.* In each case where the waters of the sources of ice supplies shall be found so polluted that the ice taken therefrom will be unhealthy or unsafe for domestic use, the board of health of the city or town concerned in the same shall immediately notify such person or persons as may have taken, or who propose to take, ice from such polluted source for their own domestic use or for sale for domestic use, of the dangerous character of the waters inspected, and that the taking of such ice for domestic use must cease.

(3) *Penalty.* Whoever knowingly or wilfully shall cut or take any ice for domestic purposes from any waters which are polluted with sewage or other substances deleterious or dangerous to life or health, or from waters which a board of health has condemned, shall be fined not exceeding two hundred and fifty dollars or imprisoned not exceeding six months.

Laws 1897, ch. 85; Public Statutes and Session Laws, 1901, ch. 108, p. 338.

(1) *Petitions to State board of health.* Whenever any board of water commissioners, local board of health, or ten or more citizens of any town or city have reason to believe that a public water or ice supply is being contaminated or is in danger of contamination, and that the local regulations are not sufficient or effective to prevent such pollution, they may petition the state board of health to investigate the case and to establish such regulations as the said board may deem necessary for the protection of the said supply against any pollution that in its judgment would endanger the public health.

(2) *Regulations issued by State board of health.* The State board of health shall, after due investigation, make such regulations as it may deem best to protect the said supply against any dangerous contamination, and the regulations so made shall be in force when a copy is filed with the town clerk and posted in two or more public places in said town, or published in some newspaper in the county, and it shall be the duty of the local board of health to enforce said regulations.

(3) *Penalty.* Any person violating any regulation established by the state board of health shall be punished by a fine of twenty dollars for each offense, and a certified copy under oath of such regulation, made by the secretary of the state board of health or by the town clerk where the regulations are filed, shall be received as prima facie evidence of the existence of such regulations in any court of the state.

Laws 1899, ch. 57; Public Statutes and Sessions Laws, 1901, ch. 108, p. 338.

SEC. 1. *Polluted wells, etc., condemned; penalty.* Whenever the State board of health, upon investigation become satisfied that a well, spring, or other supply of water, used for domestic purposes, has become polluted so as to endanger the public health they are authorized to prohibit the person or corporation, owning or controlling said supply, from furnishing such water for domestic purposes, until they become satisfied that said water supply has been purified and made fit for domestic use. Any person or corporation official or agent violating the order of the board shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars for each and every day they continue to furnish water for domestic purposes after the order of the board has been served upon them.

SEC. 2. *Jurisdiction.* The superior court shall have jurisdiction in equity upon application of the State board of health to enforce the orders of said board, issued in accordance with the provisions of section 1.

SEC. 3. *Date of effect.* This act shall take effect upon its passage.

Approved March 3, 1903. Laws of 1903, ch. 38, p. 31.



